L A W S

Jonas Platts

OF THE

STATE of NEW-YORK,

COMPRISING

THE CONSTITUTION,

AND THE

Acts of the LEGISLATURE ſince the REVOLUTION,

FROM

The Firſt to the Twelfth Seſſion, incluſive.

PUBLISHED ACCORDING TO AN ACT OF THE LEGISLATURE, PASSED THE 15th APRIL, 1786.



IN TWO VOLUMES.

VOL. II.

Quum Leges aliæ ſuper alias accumulatæ, eas de integro retractare, et in Corpus ſanum et habile redigere, ex Uſu ſit. BACON.

Miſera Servitus eſt ubi Jus eſt vagum aut incognitum. 4 Inſt. 246.

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M,DCC,LXXXIX.

LAWS

OF THE

STATE of NEW-YORK,

Paſſed in the Tenth Seſſion of the Legiſlature of the ſaid State, held in the City of New-York.

CHAP. I.

An ACT *concerning the Rights of the Citizens of this State.*

Paſſed 26th January, 1787.

BE *it Enacted by the People of the State of* New-York, *repreſented in Senate and Aſſembly, and it is hereby Enacted and Declared by the Authority of the ſame: Firſt,* That no Authority ſhall, on any Pretence whatſoever, be exerciſed over the Citizens of this State, but ſuch as is or ſhall be derived from and granted by the People of this State.

No Authority to be exerciſed unleſs derived from the People.

Second, That no Citizen of this State ſhall be taken or impriſoned, or be diſſeiſed of his or her Freehold, or Liberties, or Free-Cuſtoms; or outlawed, or exiled, or condemned, or otherwiſe deſtroyed, but by lawful Judgment of his or her Peers, or by due Proceſs of Law.

No Citizen to be impriſoned, condemned, &c. but by Judgment of his Peers, or due Proceſs of Law.

Third, That no Citizen of this State ſhall be taken or impriſoned for any Offence, upon Petition or Suggeſtion, unleſs it be by Indictment or Preſentment of good and lawful Men of the ſame Neighbourhood where ſuch Deeds be done, in due Manner, or by due Proceſs of Law.

No Citizen to be impriſoned but upon Indictment, or by Proceſs of Law.

Fourth, That no Perſon ſhall be put to anſwer without Preſentment before Juſtices, or Matter of Record, or due Proceſs of Law, according to the Law of the Land; and if any Thing be done to the Contrary, it ſhall be void in Law, and holden for Error.

No Perſon to be put to anſwer without Preſentment or Proceſs.

Fifth, That no Perſon, of what Eſtate or Condition ſoever, ſhall be taken, or impriſoned, or diſinherited, or put to death, without being brought to anſwer by due Proceſs of Law; and that no Perſon ſhall be put out of his or her Franchiſe or Freehold, or loſe his or her Life or Limb, or Goods and Chattels, unleſs he or ſhe be duly brought to anſwer, and be fore-judged of the ſame, by due Courſe of Law; and if any Thing be done contrary to the ſame, it ſhall be void in Law, and holden for none.

No Perſon to be impriſoned, put to death, &c. without being brought to anſwer, nor be put out of his Franchiſe or Freehold, or loſe his Life or Limb, or Goods and Chattels, unleſs brought to anſwer and fore-judged of the ſame.

Sixth, That neither Juſtice nor Right ſhall be ſold to any Perſon, nor denied, nor deferred; and that Writs and Proceſs ſhall be granted freely and without Delay, to all Perſons requiring the ſame; and nothing from henceforth ſhall be paid or taken for any Writ or Proceſs, but the accuſtomed Fees for writing, and for the Seal of the ſame Writ or Proceſs; and all Fines,

Juſtice ſhall not be ſold, denied or delayed. Writs and Proceſs to be granted freely, And all Fines thereon aboliſhed.

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Duties and Impoſitions whatſoever, heretofore taken or demanded, under what Name or Deſcription ſoever, for, or upon granting any Writs, Inqueſts, Commiſſions, or Proceſs to Suitors in their Cauſes, ſhall be, and hereby are aboliſhed.

Fines to be reaſonable, and according to the Offence.

Seventh, That no Citizens of this State ſhall be fined or amerced without reaſonable Cauſe, and ſuch Fine or Amerciament ſhall always be according to the Quantity of his or her Treſpaſs or Offence, and ſaving to him or her his or her Contenement; *That is to ſay*, Every Freeholder ſaving his Freehold, a Merchant ſaving his Merchandize, and a Mechanic ſaving the Implements of his Trade.

Exceſſive Bail not to be required.

Eighth, That exceſſive Bail ought not to be required, nor exceſſive Fines impoſed, nor cruel and unuſual Puniſhments inflicted.

All Elections to be free.

Ninth, That all Elections ſhall be free; and that no Perſon, by Force of Arms, nor by Malice or Menacing, or otherwiſe, preſume to diſturb or hinder any Citizen of this State to make free Election, upon Pain of Fine and Impriſonment, and treble Damages to the Party grieved.

Right of petitioning.

Tenth, That it is the Right of the Citizens of this State to petition the Perſon adminiſtring the Government of this State for the Time being, or either Houſe of the Legiſlature; and all Commitments and Proſecutions for ſuch petitioning, are illegal.

Freedom of Speech in the Legiſlature not to be queſtioned.

Eleventh, That the Freedom of Speech and Debates, and Proceedings in the Senate and Aſſembly, ſhall not be impeached or queſtioned in any Court or Place out of the Senate or Aſſembly.

No Tax to be levied; and no Citizen to be compelled to arm himſelf or to go out of the State, or to find Soldiers, without Aſſent of the Legiſlature.

Twelfth, That no Tax, Duty, Aid, or Impoſition whatſoever, ſhall be taken or levied within this State, without the Grant and Aſſent of the People of this State, by their Repreſentatives in Senate and Aſſembly; and that no Citizen of this State ſhall be, by any Means, compelled to contribute to any Gift, Loan, Tax, or other like Charge, not ſet, laid or impoſed by the Legiſlature of this State: *And further*, That no Citizen of this State ſhall be conſtrained to arm himſelf, or to go out of this State, or to find Soldiers, or Men of Arms, either Horſemen or Footmen, if it be not by Aſſent and Grant of the People of this State, by their Repreſentatives in Senate and Aſſembly.

No Soldiers to be billetted on Citizens without their Conſent.

Thirteenth, That by the Laws and Cuſtoms of this State, the Citizens and Inhabitants thereof cannot be compelled, againſt their Wills, to receive Soldiers into their Houſes, and to ſojourn them there; and therefore no Officer, military or civil, nor any other Perſon whatſoever, ſhall, from henceforth, preſume to place, quarter or billet any Soldier or Soldiers, upon any Citizen or Inhabitant of this State, of any Degree or Profeſſion whatever, without his or her Conſent; and that it ſhall and may be lawful for every ſuch Citizen and Inhabitant, to refuſe to ſojourn or quarter any Soldier or Soldiers, notwithſtanding any Command, Order, Warrant, or billetting whatever.

CHAP. II.

An ACT *for taking away and aboliſhing all Right and Claim of Purveyance within this State.*

Paſſed 26th January, 1787.

Purveyance aboliſhed.

BE *it Enacted by the People of the State of* New-York, *repreſented in Senate and Aſſembly, and it is hereby Enacted by the Authority of the ſame*, That no Sum or Sums of Money, or other Thing, ſhall be taken, raiſed, taxed, rated, impoſed, paid or levied, for or in Regard of any Proviſion, Carriages or Purveyance for the Chief Magiſtrate or Officer, or any other Officer or

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or Officers for the Time being, of this State, or of the United States, or for any Perſon or Perſons whomſoever; and that no Perſon or Perſons, by any Warrant, Commiſſion or Authority, under the Great Seal, or otherwiſe, by Colour of buying or making Proviſion or Purveyance for the Chief Magiſtrate or Officer, or any other Officer or Officers for the Time being, of this State, or of the United States, or for his, their or any of their Houſhold, or for any Perſon or Perſons whomſoever, ſhall take any Timber, Fuel, Cattle, Corn, Grain, Malt, Hay, Straw, Victuals, Cart, Carriage, or other Thing whatſoever, of any of the Citizens of this State, without the free and full Conſent of the Owner or Owners thereof, had and obtained without Menace or Inforcement; nor ſhall ſummon, warn, take, uſe, or require any of the ſaid Citizens to furniſh or find any Horſes, Oxen or other Cattle, Carts, Waggons, Wains, or other Carriages for the Uſe of the Chief Magiſtrate or Officer, or of any other Officer or Officers for the Time being, of this State, or of the United States, or of any other Perſon or Perſons whomſoever, for the carrying of his or their, or any of their Goods, without ſuch full and free Conſent as aforeſaid. *And further*, That no Pre-emption ſhall be allowed or claimed in the Behalf of the Chief Magiſtrate or Officer, or of any other Officer or Officers for the Time being, of this State, or of the United States, or of any other Perſon or Perſons whomſoever, in Market or out of Market; but that it ſhall be forever hereafter free to all and every of the Citizens of this State, to ſell, diſpoſe or employ his and her Goods to any other Perſon or Perſons, at his or her Pleaſure; any Pretence of making Proviſion or Purveyance of Victuals, Carriages, or other Things for the Chief Magiſtrate or Officer, or other Officer or Officers for the Time being, of this State, or of the United States, or for any other Perſon or Perſons whomſoever, or any Pretence of Pre-emption in his, their or any or either of their Behalfs notwithſtanding; and if any Perſon or Perſons ſhall, at any Time hereafter, make Proviſion or Purveyance for the Chief Magiſtrate or Officer, or any other Officer or Officers for the Time being, of this State, or of the United States, or for any other Perſon or Perſons whomſoever, or impreſs, or take any ſuch Carriages, or other Things aforeſaid, on any Pretence, or Colour of any Warrant aforeſaid, under the Great Seal, or otherwiſe, contrary to the Intent of this Act, it ſhall be lawful for the Juſtices of the Peace, or any one or more of them dwelling near, and the Conſtables of ſuch Town or Place where ſuch Occaſion ſhall happen, at the Requeſt of the Party grieved, and they are hereby enjoined, to commit, or cauſe to be committed, the Party or Parties ſo doing and offending, to Gaol, till the next General Seſſions, there to be indicted and proceeded againſt for the ſame; and that the Officers and Inhabitants of the ſaid Town or Place where ſuch Offence ſhall happen, ſhall be aſſiſtant therein: And moreover, the Party grieved ſhall have his or her Action or Actions againſt ſuch Offender or Offenders, and therein recover his or her treble Damages and treble Coſts; in which Action no Aid-Prayer, Privilege, Protection, Imparlance, Injunction, or Order of Reſtraint, ſhall be granted or allowed: And if any Perſon or Perſons ſhall (after Notice given that the Action depending is grounded upon this Statute) cauſe or procure any Action at the Common Law, grounded on this Statute, to be delayed or ſtayed before Judgment, by Colour or Means of any Order, Injunction, Power, Warrant, or Authority, ſave only of the Court where ſuch Action ſhall be brought and depending; or after Judgment had upon ſuch Action, ſhall cauſe or procure Execution of ſuch Judgment to be ſtayed or delayed, by Colour or Means of any Order, Injunction, Warrant, Power, or Authority, ſave only by Writ of Error or Attaint, or Order of ſuch Court where ſuch Writ of Error or Attaint ſhall be depending; that then the Perſon ſo offending ſhall forfeit to the People of this State, all his or her Goods and Chattels, and the Iſſues and Profits of his or her Lands and Tenements during Life.

No Pre-emption to be allowed in or out of Market to the Chief Magiſtrate or other Officer.

And if any Perſon under Colour of any Warrant or Commiſſion ſhall make ſuch Purveyance, Juſtices to commit him to Priſon.

The Party grieved ſhall have his Action, and recover treble Damages and Coſts.

Perſons cauſing any Action grounded on this Statute, to be ſtayed, otherwiſe than by Writ of Error, to forfeit all his Goods, Chattels and Profits of his Lands during Life.

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CHAP. III.

An ACT *for the Recovery of Damages in Writs of Aſſiſe and real Actions.*

Paſſed 26th January, 1787.

Plaintiffs to recover Damages in all Aſſiſes, Writs of Entry, and poſſeſſory Actions.

BE *it Enacted by the People of the State of* New-York, *repreſented in Senate and Aſſembly, and it is hereby Enacted by the Authority of the ſame,* That in all Aſſiſes, if Judgment be given for the Plaintiff, he or ſhe ſhall recover his or her Damages; and in all Aſſiſes of *Novel Diſſeiſin* and Writs of Entry, the Demandants, if they recover the Tenements demanded, ſhall alſo recover their Damages againſt the Diſſeiſors: And if the Diſſeiſors alien the Land, and have not whereof the Damages may be levied, they to whoſe Hands ſuch Tenements ſhall come, ſhall be charged with the Damages, ſo that every one ſhall anſwer for his or her Time: *And further,* That in all Writs and Actions poſſeſſory, whereby Lands or Tenements are demanded, Damages ſhall be recovered as aforeſaid.

CHAP. IV.

An ACT *concerning Dower.*

Paſſed 26th January, 1787.

A Widow to give nothing for her Dower and to remain in her Huſband's chief Houſe and live of his Eſtate until her Dower is aſſigned;

And to have one third Part of his Lands for her Dower.

I. BE *it Enacted by the People of the State of* New-York, *repreſented in Senate and Aſſembly, and it is hereby Enacted by the Authority of the ſame,* That a Widow, after the Death of her Huſband, ſhall give nothing for her Dower, or her Inheritance which her Huſband and ſhe held at the Day of the Death of her Huſband; and ſhe ſhall tarry in the chief Houſe of her Huſband *forty Days* after the Death of her Huſband, or until her Dower be aſſigned to her; and ſhe ſhall have in the mean Time her reaſonable Suſtenance out of the Eſtate of her Huſband; and for her Dower ſhall be aſſigned unto her the third Part of all the Lands of her Huſband, which were his at any Time during the Coverture.

Widows deforced of their Dower to recover Damages.

II. *And be it further Enacted by the Authority aforeſaid,* That in Caſe Widows, after the Death of their Huſbands, be deforced of their Dowers, and cannot have their Dowers or Quarantine without Suit, whoſoever deforce them of their Dowers or Quarantine of the Lands whereof their Huſbands died or ſhall die ſeiſed, and be convicted of ſuch wrongful Deforcement, ſhall yield Damages to the ſame Widows; *That is to ſay,* The Value of the whole Dower to them belonging, from the Time of the Death of their Huſbands unto the Day that the ſaid Widows ſhall recover *Seiſin* of their Dowers by Judgment of the Court, and the Deforceors ſhall nevertheleſs be amerced.

A Writ of Dower *unde nihil habet*, not to abate for receiving Dower of any other than the Tenant.

III. *And be it further Enacted by the Authority aforeſaid,* That in a Writ of Dower *unde nihil habet*, the Writ ſhall not abate by the Exception of the Tenant, becauſe ſhe hath received her Dower of another Perſon before her Writ purchaſed, unleſs he can ſhew that ſhe hath received Part of her Dower of himſelf, and in the ſame Town, before the Writ purchaſed.

A Widow may recover her Dower of Lands recovered againſt the Huſband by Covin or Default,

IV. *And be it further Enacted by the Authority aforeſaid,* That in Caſe where the Huſband, being impleaded for Land, giveth up the Land demanded unto his Adverſary, by Covin, after the Death of the Huſband, his Wife ſhall recover her Dower of the ſame Land, if ſhe demand it by Writ; and in Caſe where the Huſband loſeth the Land in Demand by Default, and his Wife after his Death demandeth her Dower, ſhe ſhall be heard; and if it be alledged againſt her, that her Huſband loſt the Land whereof Dower is demanded, by Judgment, whereby ſhe ought not to have Dower, and then it be enquired by what Judgment, and it be found that it was by Default,

whereunto

whereunto the Tenant muſt anſwer, then it behoveth the Tenant to anſwer further, and ſhew that he had and hath Right in the ſame Land, according to the Form of the Writ that the Tenant before purchaſed againſt the Huſband; and if he can ſhew that the Huſband of ſuch Wife had no Right in the Lands, nor any other but he that holdeth them, the Tenant ſhall go quit, and the Wife ſhall not recover her Dower therein; which Thing, if he cannot ſhew, the Wife ſhall recover her Dower.

Unleſs the Tenant can ſhew that the Huſband had no Right.

V. *And be it further Enacted by the Authority aforeſaid*, That where a Woman, not having a Right to demand Dower, and the Heir being within Age, ſhall purchaſe a Writ of Dower againſt a Guardian, and the Guardian ſhall endow the Woman by Favour, or make Default, or by Colluſion defend the Plea faintly, whereby the Woman is awarded her Dower in Prejudice of the Heir; in all ſuch Caſes, the Heir, when he comes to full Age, ſhall have an Action to demand the *Seiſin* of his Anceſtor againſt ſuch a Woman, like as he ſhould have againſt any other Deforceor. But the Woman ſhall have her Exception ſaved againſt the Demandant, to ſhew that ſhe had Right to her Dower, which if ſhe can ſhew, ſhe ſhall go quit and retain her Dower, and the Heir ſhall be amerced; and if ſhe cannot ſhew that ſhe had Right to her Dower, the Heir ſhall recover his Demand; and in like Manner a Woman ſhall be aided, if the Heir, or any other do implead her for her Dower, or if ſhe loſe her Dower by Default, in which Caſe the Default ſhall not be ſo prejudicial to her but that ſhe ſhall recover her Dower if ſhe have Right thereto; and ſhe ſhall have a Writ in this Form: *Command* A, *that juſtly and without Delay, he render to* B, *who was the Wife of* F, *ſo much Land, with the Appurtenances, in* C, *which ſhe claims to be her reaſonable Dower*, or, *of her reaſonable Dower, and of which the aforeſaid* A *deforceth her*. And to this Writ the Tenant ſhall have his Exception, to ſhew that ſhe had no Right to be endowed, which if he can verify, he ſhall go quit; if not, the Woman ſhall recover the Land whereof ſhe was before endowed.

An infant Heir ſhall recover againſt a Woman endowed by Favour, Default or Colluſion of the Guardian,

Unleſs ſhe can ſhew her Right to her Dower.

Form of Writ to recover Dower loſt by Default.

VI. *And be it further Enacted by the Authority aforeſaid*, That a Writ of Admeaſurement of Dower ſhall be from henceforth granted to a Guardian, and the Heir when he cometh to full Age, ſhall not be barred by the Suit of ſuch Guardian that ſueth againſt the Tenant in Dower feignedly and by Colluſion, but that he may admeaſure the Dower after as it ought to be admeaſured by Law; and in the Writ of Admeaſurement of Dower, as well as in the Writ of Admeaſurement of Paſture, when it is come to the great Diſtreſs, Day ſhall be given within which two Counties may be holden, at which open Proclamation ſhall be made, that the Defendant ſhall come at the Day contained in the Writ to anſwer to the Plaintiff; at which Day, if he come, the Plea ſhall paſs between them; and if he do not come, and the Proclamation be teſtified and returned by the Sheriff in Manner aforeſaid, upon his Default, Admeaſurement ſhall be made: *And further*, That hereafter no Sheriff ſhall hold Pleas of Admeaſurement of Dower or of Paſture, but all ſuch Writs ſhall be made returnable before the Juſtices of the Supreme Court, or in the Courts of Common Pleas in the reſpective Counties.

Guardian to have Writ of Admeaſurement of Dower; but in Caſe of Colluſion, the Heir not bound.

Manner of proceeding in Writs of Admeaſurement of Dower or Paſture.

No Sheriff to hold Pleas of Admeaſurement of Dower or Paſture.

VII. *And be it further Enacted by the Authority aforeſaid*, That if a Wife willingly leave her Huſband, and go away and continue with her Adulterer, and be thereof convicted, ſhe ſhall be barred forever of Action to demand her Dower that ſhe might have had of her Huſband's Lands, unleſs her Huſband willingly be reconciled to her, and permit her to dwell with him; in which Caſe ſhe ſhall be reſtored to her Action of Dower.

A Woman who leaves her Huſband and lives with her Adulterer, barred of her Dower, unleſs her Huſband be reconciled to her.

VIII. *And be it further Enacted by the Authority aforeſaid*, That where any Man hath purchaſed, or hath an Eſtate made and conveyed of and in any

A Woman who hath a Jointure, ſhall not have Dower.

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Lands, Tenements or Hereditaments, unto him and to his Wife, and to the Heirs of the Huſband or Wife, or to the Huſband and to his Wife, and to the Heirs of their two Bodies begotten, or to the Heirs of one of their Bodies begotten, or to the Huſband and to his Wife for the Term of their Lives, or for the Term of the Life of the ſaid Wife; or where any ſuch Eſtate or Purchaſe of any Lands, Tenements or Hereditaments hath been, or hereafter ſhall be, made to any Huſband and to his Wife, in Manner and Form above expreſſed, or to any other Perſon or Perſons, and to their Heirs and Aſſigns, to the Uſe and Behoof of the ſaid Huſband and Wife, or to the Uſe of the Wife, as is before rehearſed, for the Jointure of the Wife; that then, and in every ſuch Caſe, every married Woman having ſuch Jointure made or hereafter to be made, ſhall not claim or have Title to have any Dower of the Reſidue of the Lands, Tenements or Hereditaments that at any Time were her ſaid Huſband's, by whom ſhe hath any ſuch Jointure, nor ſhall demand nor claim her Dower of or againſt them that have the Lands and Inheritances of her ſaid Huſband; but if any ſuch Woman be lawfully expulſed or evicted from her ſaid Jointure, or from any Part thereof, without any Fraud or Covin by lawful Entry or Action, or by Diſcontinuance of her Huſband, then every ſuch Woman ſhall be endowed of as much of the Reſidue of her Huſband's Lands, Tenements or Hereditaments, whereof ſhe was before dowable, as the ſame Lands and Tenements from which ſhe ſhall be ſo evicted and expulſed, ſhall amount or extend unto.

Any Woman after Marriage, having Lands aſſured to her in Jointure, and ſurviving her Huſband, may make her Election of ſuch Jointure or her Dower.

IX. *And be it further Enacted by the Authority aforeſaid*, That if any Wife have, or hereafter ſhall have, any Lands, Tenements or Hereditaments given or aſſured unto her after Marriage, for the Term of her Life, or otherwiſe, in Jointure, and the ſaid Wife after that ſhall ſurvive her ſame Huſband in whoſe Time the ſaid Jointure was made or aſſured unto her, that then the ſame Wife ſo ſurviving ſhall or may, at her Liberty, after the Death of her ſaid Huſband, refuſe to have and take the Lands, Tenements and Hereditaments ſo to her given, appointed or aſſured during the Coverture, for Term of her Life, or otherwiſe, in Jointure; and thereupon ſhall or may have, aſk, demand and take her Dower, by Writ of Dower or otherwiſe, according to the Common Law, of and in all ſuch Lands, Tenements and Hereditaments as her Huſband was and ſtood ſeiſed of any Eſtate of Inheritance, at any Time during the Coverture.

No Woman to be deprived of Dower by Attainder of her Huſband.

X. *And be it further Enacted by the Authority aforeſaid*, That the Wife of every Perſon who ſhall hereafter be attainted, convicted or outlawed of any Treaſon, Petty Treaſon, Miſpriſion of Treaſon, Murder or Felony whatſoever, ſhall be endowable and enabled, if ſhe ſurvive her Huſband, to demand, have and enjoy her Dower, in like Manner and Form as if her Huſband had not been attainted, convicted or outlawed.

If any Woman who is raviſhed conſents to the Raviſher, both ſhall be diſabled to hold any Inheritance, Dower, or Jointure, and the next of Blood ſhall have Title to enter upon them.

XI. *And be it further Enacted by the Authority aforeſaid*, That whereſoever and whenſoever any Woman ſhall be raviſhed, and after ſuch Rape do conſent to the Raviſher, as well the Raviſher as ſhe that is raviſhed, and every of them ſhall, from thenceforth, be diſabled, and by the ſame Deed be unable to have or challenge any Inheritance, Dower, Jointure, Joint-Feoffment, or Joint-Purchaſe, after the Death of their Huſbands and Anceſtors; and that in this Caſe the next of Blood of the Raviſher, or of her who is raviſhed, to whom ſuch Inheritance, Dower, Jointure, Joint-Feoffment, or Joint-Purchaſe, ought to revert, remain or fall after the Death of the Raviſher, or of her that is raviſhed, ſhall have Title immediately; *That is to ſay*, After the Rape to enter upon the Raviſher, or her that is raviſhed, and their Aſſigns and Tenants, in the ſame Inheritance, Dower, Jointure, Joint-Feoffment, or Joint-Purchaſe, and to hold the ſame in State of Inheritance.

CHAP.

CHAP. V.

A. D. 1787.
Inde. *U. S.* XI.

An ACT *for preventing Delays by Essoins and Protections, and for abolishing Trials of Issues by Wager of Law.*

Passed 30th January, 1787.

I. BE *it Enacted by the People of the State of New-York, represented in Senate and Assembly, and it is hereby Enacted by the Authority of the same,* That no Essoin or Protection shall hereafter be allowed in any Suit whatsoever.

No Essoin or Protection to be allowed.

II. *And be it further Enacted by the Authority aforesaid,* That Trials by Wager of Law shall be, and hereby are abolished in all Cases, except in the Case of Non-Summons; and that no Person shall hereafter be permitted to wage his or her Law in any Case, except that of Non-Summons in real Actions.

Trials by Wager of Law abolished, except in Case of Non-Summons.

CHAP. VI.

An ACT *for preventing Waste.*

Passed 30th January, 1787.

I. BE *it Enacted by the People of the State of* New-York, *represented in Senate and Assembly, and it is hereby Enacted by the Authority of the same,* That no Guardian shall make or suffer any Waste, Sale or Destruction of the Inheritance of his Ward, or of those Things that he hath, or may have in his Custody, but shall safely keep the same Inheritance to the Use of the said Heir, and keep up and sustain the Houses, Gardens and other Things pertaining to the same Lands, by and with the Issues and Profits thereof, and shall deliver the same to his Ward, when he cometh to his full Age, in as good Order and Condition at least as such Guardian received the same; and shall answer to such Heir for the Residue of the Issues and Profits of the same Inheritance, by a lawful Account, saving to the same Guardians their reasonable Charges and Expences. And if any Guardian shall make or suffer any Waste, Sale or Destruction of the Inheritance of his Ward, he shall lose the same Custody, and shall recompence the Ward thrice so much as the Damages shall be taxed at by the Jury.

No Guardian to suffer or make any Waste of the Inheritance of his Ward;

If he does, the Ward to recover treble Damages.

II. *And be it further Enacted by the Authority aforesaid,* That no Tenant for Life or Years, or for any other Term, shall, during the Term, make or suffer any Waste, Sale or Destruction of Houses, Gardens, Orchards, Lands or Woods, or any Thing belonging to the Tenements demised, without special Licence in Writing, making mention that he may do it.

No Tenant for Life or Years, or any other Term, to make or suffer Waste.

III. *And be it further Enacted by the Authority aforesaid,* That from henceforth any Person may have a Writ of Waste out of the Chancery, against him or her who holdeth by Curtesy, or otherwise, for Term of Life or for Term of Years, or other Term, or a Woman in Dower as well as against Guardians. And whoever shall be convicted of Waste, shall lose the Thing or Place wasted, and shall recompence thrice so much as the Damages shall be taxed at by the Jury.

Action of Waste given against Tenants by Curtesy, for Term of Life or Years, and Tenants in Dower;

And the Place wasted and treble Damages to be recovered.

IV. *And be it further Enacted by the Authority aforesaid,* That in all Actions of Waste, if the Defendant come not at the Return of the original Writ, he shall be attached; and if he come not at the Return of the Attachment, he shall be distrained; and if he come not after the Distress, or if he come and afterwards make Default, the Sheriff shall be commanded, that in his proper Person he take with him twelve good and lawful Men of his County, and go to the Place wasted, and enquire of the Waste done, and return an Inquest; and after the Inquest returned, the Plaintiff shall have Judgment to recover the Place wasted, and treble the Damages found by the Inquest.

Process in Waste.

V. *And*

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Proceedings in Waſte between Parceners, Tenants in Common, or Joint-Tenants.

V. *And be it further Enacted by the Authority aforeſaid,* That where two or more do, or ſhall hold any Lands, Tenements, Woods, Fiſhing, or other ſuch Thing in Common as Parceners, Tenants in Common, or Joint-Tenants, wherein none knoweth his or her ſeveral Part, and ſome or one of them do Waſte againſt the Mind of the other, an Action ſhall lie by a Writ of Waſte; and when it ſhall come unto Judgment, the Defandant ſhall chuſe either to take his or her Part in a Place certain by the Sheriff with a Jury to be aſſigned, or elſe he or ſhe ſhall grant to take nothing from thenceforth, in the ſame Lands, Tenements, Woods, Fiſhings, or other ſuch Thing, but as his or her Partners will take; and if he or ſhe chuſe to take his or her Part in a Place certain, the ſame ſhall be aſſigned him or her in the Part waſted, as it was before he or ſhe committed the Waſte. But if the Defendant ſhall not chuſe to take his or her Part in a Place certain, or if the Waſte exceed his or her Proportion, the Plaintiff ſhall recover againſt ſuch Defendant, ſuch Damages as ſhall be found by the Jury or Inqueſt.

An Heir may have an Action for Waſte committed during the Life of his Anceſtor.

VI. *And be it further Enacted by the Authority aforeſaid,* That every Heir in whoſe Ward ſoever he or ſhe be, and whether he or ſhe be in Ward or not, and as well within Age as of full Age, ſhall have his or her Recovery by a Writ of Waſte, for Waſte and Deſtruction made in Lands and Tenements, of his or her Inheritance, as well in the Time of his or her Anceſtor or Anceſtors, as at any other Time after the Inheritance deſcended or come to him or her, and ſhall be anſwered unto therefore, and he or ſhe ſhall recover the Tenements waſted, and treble Damages as aforeſaid.

Tenants letting or granting their Eſtates to others, liable to Actions of Waſte, if they take the Profits.

VII. *And be it further Enacted by the Authority aforeſaid,* That where any Tenant for Term of Life, or for another's Life, or for Term of Years, or any other Term, hath or ſhall let or grant his or her Eſtate in the Lands and Tenements demiſed to or held by him or her, to any Perſon or Perſons, and ſhall ſtill continue to occupy the ſame Lands and Tenements, or take the Profits thereof, and ſhall commit or ſuffer Waſte and Deſtruction in the ſame Lands and Tenements, to the Diſinheritance of him, her or them in the Reverſion, he, ſhe or they to whom the Reverſion doth or ſhall appertain, may, in ſuch Caſe, have and maintain a Writ of Waſte againſt the ſaid Tenant for Term of Life, or of another's Life, or for Term of Years, or other Term, and recover againſt him or her the Place waſted, and his, her or their treble Damages for the Waſte done, if the ſaid Tenant was puniſhable, of or for Waſte before he or ſhe leaſed or granted over his or her Eſtate as aforeſaid, but not otherwiſe.

CHAP. VII.

An ACT *to alter the Place of holding Elections in* Caughnawaga *Diſtrict, in the County of* Montgomery.

Paſſed 30th January, 1787.

WHEREAS the Place aſſigned by Law for holding the annual Town-Meetings and Elections in *Caughnawaga* Diſtrict, is inconvenient for the People of the ſaid Diſtrict; for Remedy whereof,

Town-Meetings and Elections in *Caughnawaga* Diſtrict, to be held at the Court-Houſe in *John's-Town.*

Be it Enacted by the People of the State of New-York, *repreſented in Senate and Aſſembly, and it is hereby Enacted by the Authority of the ſame,* That the annual Town-Meetings and Elections in the ſaid Diſtrict, ſhall, in future, be held at the Court-Houſe in *John's-Town,* in the Diſtrict aforeſaid, inſtead of the Place heretofore aſſigned by Law for that Purpoſe.

CHAP.

CHAP. VIII.

An ACT *concerning Juſtices of the Peace.*

Paſſed 30th January, 1787.

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I. BE *it Enacted by the People of the State of* New-York, *repreſented in Senate and Aſſembly, and it is hereby Enacted by the Authority of the ſame,* That in every County of this State, good and lawful Men of the beſt Reputation, and who be no Maintainers of Evil or Barretors, ſhall be aſſigned by Commiſſion under the Great Seal, from Time to Time, according to the Conſtitution of this State, Juſtices to keep the Peace in the ſame Counties reſpectively, who ſhall jointly and ſeverally have Power to keep and cauſe to be kept, all Laws and Ordinances made or to be made for the Good of the Peace, and for the Conſervation of the ſame, and for the quiet Rule and Government of the Citizens and Inhabitants of this State, in all and every the Articles thereof, in the ſame Counties reſpectively, as well within Liberties, as without, according to the Force, Form and Effect of the ſame Laws and Ordinances; and to chaſtiſe and puniſh all Perſons offending againſt the Form of thoſe Laws and Ordinances, or any of them, in the ſaid reſpective Counties, in ſuch Mannner as, according to the Form of thoſe Laws and Ordinances, ſhall be fit to be done; and to cauſe to come before them, or any or either of them, all thoſe Perſons who ſhall break the Peace, or have uſed, or ſhall uſe Threats to any one or more of the Citizens or Inhabitants of this State, concerning their Bodies, or the firing of their Houſes or Barns, to find ſufficient Security for the Peace, or their good Behaviour towards the People and Inhabitants of this State: and if they ſhall refuſe to find ſuch Security, then them in Priſon, until they ſhall find ſuch Security, to cauſe to be ſafely kept: And to cauſe to come before them, or any or either of them, all thoſe who be not of good Fame, where they ſhall be found, to find ſufficient Security for their good Behaviour towards the People and Inhabitants of this State; and if they refuſe to find ſuch Security, then them in Priſon, until they ſhall find ſuch Security, to cauſe to be ſafely kept. *And further,* That the ſame Juſtices, or any three or more of them, ſhall have Power in the ſame reſpective Counties, to enquire, by the Oath of good and lawful Men of the ſame Counties reſpectively, by whom the Truth may be the better known, of all and all Manner of Larcenies, Thefts, Treſpaſſes, Foreſtallings, Regratings, Engroſſings, and Extortions whatſoever, and of all and ſingular other Crimes and Offences, of which Juſtices of the Peace may or ought lawfully to enquire, by whomſoever, and after what Manner ſoever, in the ſaid reſpective Counties done or perpetrated, or which ſhall happen to be there done or attempted. *And alſo,* Of all thoſe who in the ſaid reſpective Counties have gone or rode, or hereafter ſhall preſume to go or ride in Companies with armed Force, againſt the Peace, to the Diſturbance of the Citizens and Inhabitants of this State. *And alſo,* Of all thoſe who have there lain in Wait, or hereafter ſhall preſume to lay Wait to maim, or cut or kill any Citizen or Inhabitant of this State. *And alſo,* Of all Victuallers and Innholders, and all and ſingular other Perſons who have offended, or attempted to offend, or hereafter ſhall preſume or attempt to offend, in the ſame reſpective Counties, in the Abuſe of Weights or Meaſures, or in the Sale of Victuals, againſt the Form of the Laws and Ordinances of this State, or any of them, made for the common Good of this State, and the Citizens and Inhabitants thereof. *And alſo,* Of all Sheriffs, Bailiffs, Conſtables, Gaolers, and other Officers whatſoever, who in the Execution of their Offices about the Premiſes, or any of them, have unduly demeaned themſelves, or hereafter ſhall preſume to behave themſelves unduly, or have been, or hereafter ſhall happen to be careleſs, remiſs or negligent in the ſame reſpective Counties, and of all and ſingular Articles and Circumſtances, and

Juſtices of the Peace to be appointed in every County.

Their Power.

To hold Seſſions of the Peace.

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all other Things whatſoever that concern the Premiſes, or any of them, by whomſoever, and after what Manner ſoever, in the ſaid reſpective Counties done or perpetrated, or which ſhall hereafter there happen to be done or attempted, in what Manner ſoever; and to inſpect all Indictments whatſoever ſo before them or any of them taken or to be taken, or before others late Juſtices of the Peace in the ſame reſpective Counties made or taken, and not determined; and to make and continue Proceſſes thereupon, againſt all and ſingular the Perſons ſo indicted, or who before them ſhall happen to be indicted, until they be taken, ſurrender themſelves, or be outlawed; and to hear and determine all and ſingular the Larcenies, Thefts, Treſpaſſes, Foreſtallings, Regratings, Engroſſings, Extortions, unlawful Aſſemblies, Indictments aforeſaid, and all and ſingular other the Premiſes, according to the Laws, Ordinances and Statutes of this State, as in the like Caſe it has been accuſtomed or ought to be done: And the ſame Offenders, and every of them, for their Offences, by Fines, Ranſoms, Amerciaments, Forfeitures, and other Means, according to the Law and Cuſtom of this State, and the Form of the Ordinances and Statutes aforeſaid, it has been accuſtomed or ought to be done to chaſtiſe and puniſh.

Sheriffs to return Juries.

II. *And be it further Enacted by the Authority aforeſaid*, That the reſpective Sheriffs of each and every of the reſpective Counties of this State, at certain Days and Places, which the Juſtices of the Peace of the ſame Counties reſpectively, or any three or more of them, ſhall make known to them, ſhall cauſe to come before the ſame Juſtices of the Peace of the ſame Counties reſpectively, ſo many ſuch good and lawful Men of their Bailiwick or Counties reſpectively, as well within Liberties as without, by whom the Truth of the Matter in the Premiſes ſhall be the better known and enquired into.

When and where General Seſſions ſhall be held.

No Proceeding to be diſcontinued by a new Commiſſion of the Peace.

III. *And be it further Enacted by the Authority aforeſaid*, That the ſaid Juſtices of the Peace, or any three or more of them, ſhall hold and keep their General Seſſions in their reſpective Counties, at ſuch Times and Places as they are or ſhall be authoriſed and required to do, by the Laws and Ordinances of this State, and oftner, if Need be. *And further*, That no Suit, Indictment, Plea, Proceſs or Proceeding, before Juſtices of the Peace, in any County, ſhall be diſcontinued by any new Commiſſion of the Peace to be made, but the ſame Suits, Indictments, Pleas, Proceſs and Proceedings, ſhall ſtand in their full Force; and the Juſtices in ſuch new Commiſſions ſo aſſigned, after that they ſhall have the Records of the ſame Pleas and Proceſs before them, ſhall have Power and Authority to continue the ſame Pleas and Proceſs, and the ſame Pleas and Proceſs, and all that ſhall depend upon them, to hear and finally determine, as the other Juſtices might and ought to have done of and in the ſame, if no new Commiſſion had been made.

All Fines impoſed by Juſtices, to be reaſonable.

IV. *And be it further Enacted by the Authority aforeſaid*, That all Fines to be ſet and impoſed by Juſtices of the Peace, or any or either of them, for a Treſpaſs, or any other Offence done or committed, or to be done or committed by any Perſon, ſhall be reaſonable and juſt, having Regard to the Treſpaſs or Offence, and the Cauſes for which they be ſet and impoſed.

Every Juſtice taking a Recognizance, ſhall certify the ſame to the next General Seſſions of the Peace.

V. *And be it further Enacted by the Authority aforeſaid*, That every Juſtice of the Peace who hath taken, or ſhall take any Recognizance for the keeping of the Peace, or good Behaviour, ſhall certify, ſend or bring the ſame Recognizance to the next General Seſſions of the Peace where he is or hath been Juſtice, that the Party ſo bound may be called; and if the Party ſo bound make Default, the ſame Default ſhall be then there recorded, and the ſame Recognizance, with the Record of the Default, ſhall be ſent and certified into the Exchequer.

VI. *And*

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VI. *And be it further Enacted by the Authority aforeſaid*, That all and every Juſtice and Juſtices of the Peace, and every Mayor, Recorder and Alderman, having the Authority of, and acting as a Juſtice of the Peace, before whom any Perſon ſhall be brought for any Treaſon, Miſpriſion of Treaſon, Murder, Manſlaughter or Felony, or for Suſpicion thereof, before he or they ſhall commit or ſend ſuch Priſoner to Ward, ſhall take the Examination of ſuch Priſoner, and Information of thoſe that bring him or her, of the Fact and Circumſtances thereof; and the ſame, or as much thereof as ſhall be material to prove the Offence, ſhall be put in Writing, within two Days after the ſaid Examination, and ſhall certify the ſame in Writing, ſubſcribed or ſigned by him or them, with his or their own Hands, at the next Court in which ſuch Priſoner is or ought to be tried for the ſame Offence. *And further*, The ſaid Juſtices, Mayors, Recorders and Aldermen, and every of them, are hereby authoriſed and required to bind all ſuch by Recognizance, as do declare any Thing material to prove the ſaid Treaſon, Miſpriſion of Treaſon, Murder, Manſlaughter or Felony, againſt ſuch Priſoner, to appear in the Supreme Court, the Term following, or at the next Seſſions of Oyer and Terminer or General Gaol Delivery, of or for the County, City or Place where the Offence was committed, or in ſuch other Court where the ſaid Offence is properly cognizable, then and there to give Evidence againſt the Party; and ſhall certify the ſaid Recognizance and Recognizances taken before them, together with the ſaid Examinations, into the ſaid Court where ſuch Witneſſes are bound to appear, on the firſt Day of the Term or Seſſions of the ſame Court: And in Caſe any Juſtice of the Peace, Mayor, Recorder or Alderman ſhall refuſe or neglect to take ſuch Examination, as aforeſaid, or to certify the ſame as aforeſaid, or ſhall refuſe or neglect to bind the Witneſſes to appear as aforeſaid, or to certify the Recognizances by him taken as aforeſaid; the Judges and Juſtices of the Court wherein ſuch Witneſſes ought to be bound to appear, and to which ſuch Examinations and Recognizances ought to be certified, upon due Proof thereof by Examination before them, ſhall, for every ſuch Offence or Neglect, ſet ſuch a Fine upon every of the ſaid Juſtices, Mayors, Recorders and Aldermen, as the ſame Judges and Juſtices of ſuch Court ſhall think meet, and eſtreat the ſame as other Fines and Amerciaments aſſeſſed before ſuch Judges and Juſtices ought to be eſtreated.

Juſtices to take Examinations of every Perſon brought before them for Treaſon or Felony, or for Suſpicion thereof;

And examine thoſe who bring ſuch Priſoner concerning the Fact,

And certify the ſame to the Court;

And bind all Perſons by Recognizance who declare any Thing material againſt ſuch Priſoner, to appear & give Evidence.

Juſtices neglecting their Duty to be fined by the Court.

VII. And *whereas* in many Caſes, where the Juſtices of the Peace are by Law empowered to give or make Judgments or Orders, great Expences have been occaſioned, by Reaſon that ſuch Judgments or Orders have, on Appeals to the Juſtices of the Peace, at their reſpective General Seſſions, been quaſhed, or ſet aſide, upon Exceptions or Objections to the Form or Forms of the Proceedings, without hearing or examining the Truth and Merits of the Matters in Queſtion; For Remedy whereof, *Be it further Enacted by the Authority aforeſaid*, That upon all Appeals to be made to the Juſtices of the Peace, at their reſpective General Seſſions, to be holden for any County, City or Place in this State, againſt Judgments or Orders given or made by any Juſtices of the Peace as aforeſaid, ſuch Juſtices ſo aſſembled at any ſuch Seſſions, ſhall, and they are hereby required, from Time to Time, within their reſpective Juriſdictions, upon all and every ſuch Appeals ſo made to them, to cauſe any Defect or Defects of Form that ſhall be found in any ſuch original Judgments or Orders, to be rectified and amended, without any Coſt or Charge to the Parties concerned; and after ſuch Amendment made, ſhall proceed to hear, examine and conſider the Truth and Merits of all Matters concerning ſuch original Judgments or Orders, and likewiſe to examine all Witneſſes upon Oath, and hear all other Proofs relating thereto, and to make ſuch Determinations thereupon, as by Law they ſhould or ought to have done, in Caſe there had not been ſuch Defect or Want of Form in the original Proceeding.

On Appeals the Juſtices in their General Seſſions to amend any Defect of Form.

VIII. *And*

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Manner of Proceeding when any Perſon againſt whom a Warrant is iſſued, goes or lives out of the County.

VIII. *And be it further Enacted by the Authority aforeſaid,* That in Caſe any Perſon, againſt whom a Warrant ſhall be iſſued by any Juſtices or Juſtice of the Peace, of any County, City or Place in this State, for any Offence there committed or done, ſhall eſcape, go into, reſide, or be in any other County, City or Place, out of the Juriſdiction of the Juſtices or Juſtice granting ſuch Warrant as aforeſaid, it ſhall and may be lawful for any Juſtice or Juſtices of the Peace, of the County, City or Place where ſuch Perſon ſhall eſcape, go into, reſide, or be; and ſuch Juſtice or Juſtices is and are hereby required, upon Proof being made, upon Oath, of the Hand Writing of the Juſtice or Juſtices granting ſuch Warrant, to endorſe his or their Name or Names on ſuch Warrant, which ſhall be a ſufficient Authority to the Perſon or Perſons bringing ſuch Warrant, and to all other Perſons to whom ſuch Warrant was originally directed, to execute ſuch Warrant in ſuch other County, City or Place, out of the Juriſdiction of the Juſtice or Juſtices granting ſuch Warrant as aforeſaid, and to apprehend and to carry ſuch Offender or Offenders before the Juſtice who endorſed ſuch Warrant, or ſome other Juſtice or Juſtices of ſuch other County, City or Place where ſuch Warrant was endorſed; and in Caſe the Offence for which ſuch Offender ſhall be ſo apprehended as aforeſaid, ſhall be bailable in Law, and ſuch Offender ſhall be willing and ready to give Bail for his or her Appearance, at the next General Gaol Delivery, or next General Seſſions of the Peace, to be held in and for the County, City or Place where the Offence was committed, ſuch Juſtice or Juſtices of ſuch other County, City or Place, before whom ſuch Offender or Offenders ſhall be brought, ſhall and may take bail of ſuch Offender or Offenders, for his, her or their Appearance at the next General Gaol Delivery, or at the next General Seſſions of the Peace, to be held in and for the County, City or Place where ſuch Offence was committed, in the ſame Manner as the Juſtices of the Peace of the proper County, City or Place; and the Juſtice or Juſtices of ſuch other County, City or Place, ſo taking bail as aforeſaid, ſhall deliver the Recognizance, together with the Examination or Confeſſion of ſuch Offender or Offenders, and all other Proceedings relating thereto, to the Conſtable, or other Perſon or Perſons ſo apprehending ſuch Offender or Offenders, as aforeſaid, who are hereby required to receive the ſame, and to deliver over ſuch Recognizance, Examination or other Proceedings, to the Clerk of the Court of General Gaol Delivery, or Clerk of the Peace of the County, City or Place where ſuch Offender or Offenders is or are required to appear, by Virtue of ſuch Recognizance; and ſuch Recognizance, Examination or Confeſſion, ſhall be as good and effectual in Law, to all Intents and Purpoſes, and of the ſame Force and Validity, as if the ſame had been entered into, taken or acknowledged before a Juſtice or Juſtices of the Peace in and for the proper County, City or Place where the Offence was committed, and the ſame Proceedings ſhall be had thereon; and in Caſe ſuch Conſtable, or other Perſon to whom ſuch Recognizance, Examination or Confeſſion, or other Proceedings, ſhall be ſo delivered as aforeſaid, ſhall refuſe or neglect to deliver over the ſame to the Clerk of the Court of General Goal Delivery, or Clerk of the Peace of the County, City or Place, where ſuch Offender is required to appear by Virtue of ſuch Recognizance, ſuch Conſtable, or other Perſon, ſhall forfeit the Sum of *Ten Pounds*, to be recovered againſt him by Action of Debt, Bill, Plaint or Information, in any Court of Record, by any Perſon or Perſons who will proſecute or ſue for the ſame: And in Caſe the Offence for which ſuch Offender or Offenders ſhall be apprehended and taken in any other County, City or Place, ſhall not be bailable in Law, or ſuch Offender or Offenders ſhall not give bail for his or her Appearance at the next General Gaol Delivery, or next General Seſſions of the Peace to be held in and for the County, City or Place where the Offence was committed, to the Satisfaction of the Juſtice before whom ſuch Offender or Offenders ſhall be brought,

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in ſuch other County, City or Place, then, and in that Caſe, the Conſtable, or other Perſon or Perſons ſo apprehending ſuch Offender or Offenders, ſhall carry and convey ſuch Offender or Offenders, before one of the Juſtices of the Peace of the proper County, City or Place where ſuch Offence was committed, there to be dealt with according to Law. *And further*, That no Action of Treſpaſs, falſe Impriſonment, Information or Indictment, or other Action, ſhall be brought, ſued, commenced or proſecuted by any Perſon or Perſons whatſoever, againſt the Juſtice or Juſtices who ſhall endorſe ſuch Warrant, for or by Reaſon of his or their endorſing ſuch Warrant; but ſuch Perſon or Perſons ſhall be at Liberty to bring or proſecute his, her or their Action or Suit, againſt the Juſtice or Juſtices who originally granted ſuch Warrant, in the ſame Manner as ſuch Perſon or Perſons might have done in Caſe this Clauſe of this Act had not been made.

No Action to be brought againſt a Juſtice who ſhall endorſe ſuch Warrant.

IX. *And be it further Enacted by the Authority aforeſaid*, That the Juſtices of the Peace ſhall ſend their Indictments before the Juſtices aſſigned or empowered to deliver the Gaols in their reſpective Cities and Counties.

Indictments to be ſent to the Juſtices of Gaol Delivery.

X. *And be it further Enacted by the Authority aforeſaid*, That the Mayors, Recorders and Aldermen of the Cities of *New-York* and *Albany*, and each of them ſhall, reſpectively, have the like Powers in the ſaid reſpective Cities, as the Juſtices of the Peace have in their reſpective Counties by Virtue of this Act.

Mayors, Recorders and Aldermen of *New-York* and *Albany*, to have the Powers of Juſtices of the Peace.

CHAP. IX.

An ACT *declaring what Proceſs may be iſſued in certain perſonal Actions, and for regulating Outlawries.*

Paſſed 3d February, 1787.

I. BE *it Enacted by the People of the State of* New-York, *repreſented in Senate and Aſſembly, and it is hereby Enacted by the Authority of the ſame*, That in all Actions of Account, Debt, Detinue, Annuity, Covenant, Conſpiracy, and of the Caſe, and in Actions of *Replevin* after a *Capias in withernam* is returned, that the Perſon againſt whom it is iſſued has no Goods, the like Proceſs may hereafter be had and uſed as in Actions of Treſpaſs done with Force and Arms; and in theſe, as well as in all other Caſes where Proceſs iſſues for taking the Body, if it be returned, that the Perſon againſt whom ſuch Proceſs iſſued is not found, ſuch Proceſs may be purſued to the Exigent and Outlawry thereupon.

Proceſs of Outlawry given in perſonal Actions.

II. *And be it further Enacted by the Authority aforeſaid*, That each and every Sheriff ſhall reſpectively in his County hold a Court, either in Perſon or by his ſufficient Deputy, on every firſt and third Monday in every Month, at the Court-Houſe in his County, to be called his *County Court*, for the Purpoſe of demanding Perſons upon Exigents, and pronouncing Outlawries thereupon; and that it ſhall not be neceſſary for the Coroners of the County, or any of them, to attend at ſuch Court, or to give Judgment of Outlawry; but it ſhall be ſufficient for the Sheriff or his Deputy, to give the Judgment of Outlawry, and to return the ſame upon the Exigent, without ſaying by the Judgment of the Coroners.

Time, Place and Manner of holding Sheriffs Courts, and of pronouncing Outlawries.

III. *And be it further Enacted by the Authority aforeſaid*, That in every original Writ of Actions perſonal, and in all Appeals, Indictments and Informations, and in which the Exigent ſhall be awarded, to the Names of the Defendants in ſuch Writs original, Appeals, Indictments and Informations,

In all original Writs in perſonal Actions, and in Appeals, Indictments and Informations, Additions of the Eſtate, Degree or

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Myſtery of the Defendants, and of the Towns or Places and Counties where they reſide, to be inſerted.

Additions ſhall be made of their Eſtate or Degree, or Myſtery, and of the Towns or Places and Counties of which they were or be, or in which they be or were converſant; and if by Proceſs upon the ſaid original Writ, Appeal, Indictments or Informations, in which the ſaid Additions be omitted, any Outlawries be pronounced, they ſhall be void, fruſtrate, and holden for none; and that before any Outlawries pronounced, the ſaid Writs, Appeals, Indictments and Informations, ſhall be abated by the Exception of the Party where in the ſame the ſaid Additions be omitted: *Provided always*, That although the ſaid Writs of Actions perſonal be not according to the Records and Deeds, by the Surpluſage of the Additions aforeſaid, they ſhall not be abated for that Cauſe.

No Acceſſary to be outlawed until the Principal be attainted.

IV. *And be it further Enacted by the Authority aforeſaid*, That no Perſon charged as Acceſſary in any Indictment or Appeal, ſhall be outlawed, until the Principal be attainted; but ſuch Indictments and Appeals may be nevertheleſs proſecuted; but the Exigent againſt the Acceſſary ſhall remain until the Principal be attainted by Outlawry or otherwiſe.

On Indictments or Appeals for Treaſon or Felony, *Capias* to be iſſued;

And if the Defendant is not found, an Alias to be iſſued, and the Defendant's Goods ſeiſed;

And if he is not found, and does not appear, an Exigent to be awarded, and his Goods forfeited.

V. *And be it further Enacted by the Authority aforeſaid*, That after any Perſon is or ſhall be indicted or appealed of Treaſon or Felony, it ſhall be commanded to the Sheriff to take the Body of the Perſon ſo indicted or appealed, by a Writ or Precept called a *Capias*; and if the Sheriff return on the ſame Writ or Precept, that the Body is not found, another Writ or Precept of *Capias*, ſhall be immediately made returnable at a certain Day, not leſs than three Months after the Date of the ſame Writ; and in the ſame Writ ſhall be compriſed, that the Sheriff ſhall cauſe the Goods and Chattels of the Perſon indicted or appealed, to be ſeiſed and ſafely kept, until the Day of the Return of the Writ or Precept; and if the Sheriff return that the Body is not found, and the Perſon indicted or appealed cometh not, the Exigent ſhall be awarded, and the Goods and Chattels ſo ſeiſed, ſhall be forfeited to the People of this State. But if the Perſon indicted or appealed come and yield himſelf, or be taken by the Sheriff or other Officer, before the Return of the ſecond *Capias*, then the Goods and Chattels ſhall be ſaved.

Mode of proceeding upon an Indictment or Appeal for Treaſon or Felony, againſt a Perſon reſiding in another County.

VI. *And be it further Enacted by the Authority aforeſaid*, That upon every Indictment and Appeal againſt any Citizen of this State, dwelling in other Counties than where ſuch Indictment or Appeal is or ſhall be taken, of any Treaſon or Felony after the firſt Writ of *Capias* returned, another Writ of *Capias* ſhall be awarded, directed to the Sheriff of the County where the Perſon indicted or appealed is, or ſhall be ſuppoſed to be converſant, by the ſame Indictment or Appeal, returnable in the ſame Court, or before the ſame Juſtices before whom the Indictment or Appeal is or ſhall be taken, at a certain Day not leſs than three Months after the Date of the ſame Writ, by which Writ the Sheriff ſhall be commanded to take the Body of the Perſon ſo indicted or appealed, if he or ſhe ſhall be found in his Bailiwick; and if he or ſhe ſhall not be found in his Bailiwick, that the ſaid Sheriff ſhall make Proclamation in two of his County Courts, before the Return of the ſame Writ, that the Perſon ſo indicted or appealed ſhall appear at the ſaid Court, or before the ſaid Juſtices where he or ſhe is, or ſhall be, indicted or appealed, at the Day of the Return of the ſame Writ, to anſwer to the People of the State of *New-York*, or the Party, of the Treaſon, Felony or Treſpaſs, whereof he or ſhe is, or ſhall be ſo indicted or appealed; and after ſuch Writ of *Capias* ſo ſerved and returned, if he or ſhe ſo indicted or appealed, come not at the Day of the Return of the ſame Writ of *Capias*, the Exigent ſhall be awarded againſt ſuch Perſon ſo indicted or appealed. And where any ſuch Indictment or Appeal is or ſhall be taken before Juſtices aſſigned to hear and determine, or before Juſtices of the Peace, or before any other having

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Power to take ſuch Indictments or Appeals, and ſhall be removed or delivered into the Supreme Court, by *Certiorari* or otherwiſe, no Exigent ſhall be awarded by the ſame Supreme Court, until ſuch Writ of *Capias* with Proclamation ſhall be awarded, and ſerved and returned as aforeſaid. And if any Exigent ſhall be awarded upon any ſuch Indictment or Appeal before ſuch *Capias* with Proclamation be awarded, ſerved and returned as aforeſaid, and Outlawry be upon that pronounced, as well the Exigent ſo awarded and the Outlawry thereupon, and every of them, ſhall be holden for none and void; and the Party againſt whom ſuch Exigent ſhall be awarded, or Outlawry pronounced, contrary to the Form aforeſaid, ſhall not be endamaged thereby, nor put to loſs of his or her Life, or Goods or Chattels, Lands or Tenements.

Mode of proceeding to Outlawry in perſonal Actions, and on Indictments & Informations for Treſpaſſes or Miſdemeanors.

VII. *And be it further Enacted by the Authority aforeſaid*, That in every Action perſonal, and in all Caſes of Indictments and Informations for Treſpaſſes or Miſdemeanors, wherein or whereupon any Writ of Exigent ſhall be awarded out of any Court, one Writ of Proclamation ſhall be awarded and made out of the ſame Court, having Day of Teſt and Return, as the ſaid Writ of Exigent ſhall have, directed and delivered of Record to the Sheriff of the County where the Defendant, at the Time of the Exigent ſo awarded, ſhall be dwelling; which Writ of Proclamation ſhall contain the Effect of the ſame Action, Indictment, or Information. And the Sheriff of the County unto whom any ſuch Writ of Proclamation ſhall be directed, ſhall make, or cauſe to be made, three Proclamations, in the Form following; *That is to ſay*, One of the ſame Proclamations in his open County Court, and one other of the ſame Proclamations at the General Seſſions of the Peace in thoſe Parts where the Party Defendant, at the Time of the Exigent awarded, ſhall be dwelling, and one other of the ſame Proclamations, one Month at leaſt before the fifth Demand, by Virtue of the ſaid Writ of Exigent, at or near to the moſt uſual Door of the Church of the Town or Place where the Defendant ſhall be dwelling at the Time of awarding the ſaid Exigent; and if there be more than one Church in ſuch Town, then at or near the moſt uſual Door of the Church neareſt the Defendant's Dwelling; and if there be no Church in ſuch Town, then at or near the moſt uſual Door of the Church, in the next Town neareſt the Defendant's Dwelling, and upon a Sunday, immediately after divine Service and Sermon, if any there be; and if any ſuch Defendant ſhall, at the Time of awarding the Exigent, reſide out of this State, then ſuch Writ of Proclamation ſhall be directed to and executed by the Sheriff to whom the Exigent ſhall be directed; and in ſuch Caſe ſuch Writ of Proclamation ſhall be publiſhed, in one or more of the News-Papers to be printed in the City of *New-York*, for twelve ſeveral Weeks before the Return of the Exigent. And that all Outlawries had and pronounced, and no Writs of Proclamations awarded and returned, according to the Form of this Statute, ſhall be utterly void and of none Effect, and may be avoided by Averment, without ſuing out any Writ of Error.

Defendant to give Bail before Reverſal of Outlawry, or Allowance of Writ of Error thereon, if Bail was required in the original Action.

VIII. *And be it further Enacted by the Authority aforeſaid*, That before any Reverſal of any Outlawry be had, by Plea or otherwiſe, and before any Allowance of any Writ in Error upon any Outlawry, the Defendant and Defendants in the original Action or Suit, ſhall put in Bail, if Bail was required in ſuch original Action or Suit, not only to appear and anſwer to the Plaintiff in the former Suit, in a new Action to be commenced by the ſaid Plaintiff, for the Cauſe mentioned in the firſt Action, but alſo to ſatisfy the Condemnation, if the Plaintiff ſhall begin ſuch Suit before the End of two Terms next after the allowing of the Writ of Error, or otherwiſe avoiding of the ſaid Outlawry.

IX. *And*

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No perſonal Appearance required to reverſe an Outlawry, except for Treaſon or Felony, nor Bail, unleſs ordered by the Court.

IX. *And be it further Enacted by the Authority aforeſaid*, That no Perſon or Perſons whomſoever, who are or ſhall be outlawed, in any Court, for any Cauſe, Matter or Thing whatſoever, other than for Treaſon or Felony, ſhall be compelled to come in Perſon into Court, or appear in Perſon in Court, to reverſe ſuch Outlawry; but ſhall or may appear by Attorney, and reverſe ſuch Outlawry, without Bail, in all Caſes, except where ſpecial Bail ſhall be ordered by the Court.

In Caſes of Outlawry in perſonal Actions, how Plaintiff is to proceed to recover his Debt or Damages.

X. *And be it further Enacted by the Authority aforeſaid*, That in all Caſes where an Outlawry ſhall be had before Judgment in any perſonal Action, the Plaintiff at whoſe Suit the ſame Outlawry ſhall be had, may ſuggeſt and ſet forth his Cauſe of Action upon the Roll of the Exigent, after the Return of the ſame, upon which a Writ ſhall be iſſued to the Sheriff of the County where the Action ſhall be brought, to ſummon a Jury to appear in the ſame Court where the Action ſhall be brought, if the ſame ſhall be brought in any other Court than the Supreme Court; and if the ſame Action ſhall be brought in the Supreme Court, then before the Juſtices or Juſtice of the Supreme Court, at the next Circuit Court to be held in the County where ſuch Action ſhall be brought, to enquire into the Truth of the Matters charged by the Plaintiff, and to aſſeſs the Damages that the Plaintiff ſhall have ſuſtained thereby. And if the Action ſhall be in the Supreme Court, it ſhall be commanded, in the ſame Writ, to the Juſtices or Juſtice who ſhall hold ſuch Circuit Court, that he or they ſhall make a Return thereof to the Supreme Court, at the Time in ſuch Writ mentioned; and upon the Return of ſuch Writ, if the Action ſhall be in the Supreme Court, or upon the Execution of ſuch Writ, if the Action ſhall be in any other Court, Execution ſhall be awarded for the Sum found by the Jury, with Coſts, both upon the Outlawry and Proſecution of the ſaid Enquiry. *And further*, That upon the Execution of every ſuch Writ of Enquiry, the Plaintiff ſhall prove his Cauſe of Action and Debt or Damages, in the ſame Manner as if the Defendant had appeared and traverſed the ſame.

Debt or Damages to be proved.

Debt or Damages being paid or levied, the Operation of the Outlawry to ceaſe.

Entry thereof to be made.

XI. *And be it further Enacted by the Authority aforeſaid*, That upon the Payment of the Sum ſo found upon ſuch Enquiry as aforeſaid, with Coſts as aforeſaid; or where any Outlawry ſhall be had after Judgment in any perſonal Action, upon Payment of the Debt or Damages and Coſts adjudged, or upon the ſame being levied by any Execution, or brought into Court by the Defendant, ſuch Outlawry and Judgment ſhall be conſidered as ſatisfied, and ſhall ceaſe to have any further or other Operation; and an Entry ſhall, in ſuch Caſe, be made on the Roll of the Exigent, after the Return of the ſame; and after the Execution or Return of the Enquiry, where ſuch Enquiry as aforeſaid ſhall be made, that the Debt or Damages and Coſts are paid or levied, or brought into Court; and that the Defendant, as to the Outlawry, or Judgment and Outlawry, and all Execution thereupon, go without Day. *And further*, That no Outlawry in any perſonal Action, ſhall work any Diſability or Forfeiture whatſoever, in Favour of any other Perſon than the Plaintiff at whoſe Suit it ſhall be had.

Such Outlawry to work no Diſability or Forfeiture.

CHAP. X.

An ACT *concerning the Courts of Common Pleas and General Seſſions of the Peace.*

Paſſed 5th February, 1787.

Times of holding Courts of Seſſions in *New-York*.

I. BE *it Enacted by the People of the State of* New-York, *repreſented in Senate and Aſſembly, and it is hereby Enacted by the Authority of the ſame*, That the Court of General Seſſions of the Peace, in and for the City and County of *New-York*, ſhall be held on the firſt Tueſdays in *February*, *May*, *Auguſt*, and

and *November*, in every Year; each of which Seſſions of the Peace may laſt, continue, and be held until the ſeveral Tueſdays next following, incluſive. A. D. 1787. Inde. *U. S.* XI.

THAT the Courts of Common Pleas and General Seſſions of the Peace, in and for the County of *Albany*, ſhall be held at the City-Hall of the City of *Albany*, on the third Tueſday in *January*, and the firſt Tueſdays in *June* and *October*, in every Year; each of which Courts may laſt, continue, and be held until the ſeveral Tueſdays next following, incluſive. Times and Place of holding Courts of Common Pleas and Seſſions in the County of *Albany*.

THAT the Courts of Common Pleas and General Seſſions of the Peace, in and for the County of *Suffolk*, ſhall be held at the Court-Houſe in the ſame County, on the laſt Tueſday in *March* and the firſt Tueſday in *October*, in every Year, and may continue and be held until the ſeveral Saturdays next following, incluſive. In *Suffolk* County.

THAT the Courts of Common Pleas and General Seſſions of the Peace, in and for the County of *Queen*'s, ſhall be held at the Court-Houſe in the ſame County, on the firſt Mondays in *February* and *June*, and the ſecond Monday in *November*, in every Year, and may continue and be held until the ſeveral Saturdays next following, incluſive. In *Queen*'s County.

THAT the Courts of Common Pleas and General Seſſions of the Peace, in and for the County of *King*'s, ſhall be held at the Court-Houſe in the ſame County, on the third Tueſdays in *April* and *October*, in every Year, and may continue and be held until the ſeveral Saturdays next following, incluſive. In *King*'s County.

THAT the Courts of Common Pleas and General Seſſions of the Peace, in and for the County of *Richmond*, ſhall be held at the Court-Houſe in the ſame County, on the fourth Monday in *January*, the firſt Monday in *May*, and the fourth Monday in *September*, in every Year, and may continue and be held until the ſeveral Saturdays next following, incluſive. In *Richmond* County.

THAT the Courts of Common Pleas and General Seſſions of the Peace, in and for the County of *Weſtcheſter*, ſhall be held on the fourth Mondays in *January*, *May* and *September*, in every Year, and ſhall be held alternately at the Court-Houſe at the *White-Plains*, and at the Court-Houſe at *Bedford*, and may continue and be held until the ſeveral Saturdays next following, incluſive. In *Weſtcheſter* County.

THAT the Courts of Common Pleas and General Seſſions of the Peace, in and for the County of *Orange*, ſhall be held on the ſecond Tueſdays in *February*, *May* and *October*, in every Year, and ſhall be held alternately at the Court-Houſe in the *New-City*, and at the Court-Houſe in *Goſhen*, and may continue and be held until the ſeveral Saturdays next following, incluſive. In *Orange* County.

THAT the Courts of General Seſſions of the Peace, in and for the County of *Ulſter*, ſhall be held at the Court-Houſe in the ſame County, on the firſt Tueſday in *May*, and on the third Tueſday in *September*, in every Year, and may continue and be held until the ſeveral Saturdays next following, incluſive; and that the Court of Common Pleas, in and for the ſaid County of *Ulſter*, ſhall be held at the Court-Houſe in the ſame County, on the firſt Tueſdays in *January*, *May* and *July*, and the third Tueſday in *September*, in every Year, and may continue and be held until the ſeveral Saturdays next following, incluſive. In *Ulſter* County.

THAT the Courts of Common Pleas and General Seſſions of the Peace, in and for the County of *Dutcheſs*, ſhall be held at the Court-Houſe in the ſame County, on the third Tueſdays in *January* and *May*, and the ſecond Tueſday in *October*, in every Year, and may continue and be held until the ſeveral Saturdays next following, incluſive. In *Dutcheſs* County.

THAT the Courts of Common Pleas and General Seſſions of the Peace, in and for the County of *Columbia*, ſhall be held at the Court-Houſe at *Claverack*, In *Columbia* County.

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on the ſecond Tueſdays in *January*, *May* and *September*, in every Year, and may continue and be held until the ſeveral Saturdays next following, incluſive.

In *Waſhington* County. ‡ *Altered*) 10th *Seſſ. Ch.* 102. *Sec.* 23.

THAT the Courts of Common Pleas and General Seſſions of the Peace, in and for the County of *Waſhington*, ſhall be held at ‡ *Salem*, in the ſame County, on the ſecond Tueſday in *February*, the laſt Tueſday in *May*, and the firſt Tueſday in *November*, in every Year, and may continue and be held until the ſeveral Saturdays next following, incluſive.

In *Montgomery* County.

AND that the Courts of Common Pleas and General Seſſions of the Peace, in and for the County of *Montgomery*, ſhall be held at the Court-Houſe in the ſame County, on the ſecond Tueſdays in *February*, *June* and *October*, in every Year, and may continue and be held until the ſeveral Saturdays next following, incluſive.

Courts may adjourn before the End of the Term, if the Buſineſs will permit.

II. *Provided always, and be it further Enacted by the Authority aforeſaid*, That it ſhall and may be lawful to and for the Judges and Juſtices of the ſaid reſpective Courts of Common Pleas and General Seſſions of the Peace reſpectively, when they conceive the due Adminiſtration of Juſtice will admit thereof, to adjourn the ſaid Courts reſpectively, to the next ſucceeding Term, on any Day preceding the laſt Day to which the Power of holding ſuch of the ſaid Courts is hereby extended as aforeſaid; and that all Proceſs which ſhall be iſſued out of the ſaid Courts reſpectively, ſhall always bear Teſt the Day on which the ſaid reſpective Courts ſhall have adjourned.

Terms of Mayors Courts of *New-York* and *Albany*, extended to *three Days*.

III. *And be it further Enacted by the Authority aforeſaid*, That the Terms of the Mayors Courts of the Cities of *New-York* and *Albany*, ſhall be, and hereby are lengthened and extended to *three Days*. *Provided nevertheleſs*, That when the Buſineſs of any of the ſaid reſpective Courts ſhall be completed, the ſaid Courts may adjourn to the next Term, without ſitting until the End of the Term; and that all Proceſs iſſuing out of the ſaid reſpective Courts, ſhall always be teſted the Day on which the Court ſhall have adjourned.

Powers of the ſaid Courts declared.

IV. *And be it further Enacted by the Authority aforeſaid*, That the ſaid Courts of Common Pleas and Mayors Courts, ſhall be, and hereby are reſpectively authoriſed and empowered to hear, try and determine, according to Law, all Actions real, perſonal, and mixed, Suits, Quarrels, Controverſies, and Differences ariſing within the ſeveral and reſpective Cities and Counties for which the ſame are or ſhall be held.

Before whom the ſaid Courts are to be held.

V. *And be it further Enacted by the Authority aforeſaid*, That the Mayor, Recorder and Aldermen of the City of *New-York*, or any three of them, of whom the Mayor or Recorder always to be one, ſhall have Power to hold ſuch Courts of General Seſſions of the Peace, and Mayors Courts in the ſaid City; any Charter, Law or Uſage to the Contrary notwithſtanding. And that the Judges and Aſſiſtant Juſtices of each of the other Counties in this State, or any three of them, of whom one of the Judges of the Court of Common Pleas always to be one, ſhall have Power to hold ſuch Courts of Common Pleas in their reſpective Counties; any Law or Uſage to the Contrary notwithſtanding.

Affidavits taken before a Judge of the Supreme Court, may be read in any of the ſaid Courts.

VI. *And be it further Enacted by the Authority aforeſaid*, That all Affidavits to be taken before any Juſtice of the Supreme Court, in or concerning any Cauſe, Matter or Thing, depending, or hereafter to be depending, or in any wiſe concerning any Proceedings to be had in any of the ſaid Courts of Common Pleas, or Courts of General Seſſions of the Peace, or Mayors Courts, ſhall or may be read and made uſe of in the ſaid Courts reſpectively, in

in the ſame Manner, and ſhall be of the ſame Force and Effect, to all Intents and Purpoſes, as if they were or had been taken before one of the Judges or Juſtices of the ſaid Courts of Common Pleas, Courts of General Seſſions of the Peace, or Mayors Courts reſpectively. A. D. 1787. Inde. U. S. XI.

Form of Records.

VII. And *whereas* an Opinion hath prevailed, that no Diminution can be alledged of Records removed by Writ or Writs of Error, from any of the Mayors Courts, or Courts of Common Pleas, in the ſeveral Cities and Counties of this State, and that therefore not only the Declaration, Pleadings, Verdict and Judgment, but the Plaint, Proceſs, Continuances, and all other Proceedings in each Cauſe in the ſaid reſpective Courts, muſt be ſet forth ſpecially and particularly in the Record of the Judgment therein, which occaſions a very conſiderable Expence to the Parties, and is productive of many Inconveniences; For Remedy whereof, *Be it further Enacted by the Authority aforeſaid*, That in all Records of Judgments hereafter to be made up and entered in any of the ſaid Courts, in any Cauſe now depending, or hereafter to be brought therein, it ſhall be ſufficient, immediately after the Caption thereof, to enter the Declaration, without ſetting forth or entering upon the ſame Record, the Plaint or Proceſs againſt the Defendant or Defendants; and then, if Judgment is not entered, or the Defendant or Defendants ſhall not plead at the ſame Term of which the Declaration is filed, an Imparlance ſhall be entered to the Term when Judgment is entered, or the Plea of the Defendant or Defendants ſhall come in, without entering the Continuances from Term to Term; and when an Iſſue ſhall be joined to be tried by a Jury, if the ſame is not tried at the next Term after the joining thereof, inſtead of entering all the Continuances from Term to Term, until the Trial, it ſhall be ſufficient to enter the Continuance upon the Record, in the following Form: *And hereupon the Proceſs thereof is continued between the Parties aforeſaid, of the Plea aforeſaid, in this ſame Court, before the Mayor, Recorder and Aldermen of the City of* New-York, *or* Albany, *or* Hudſon, or *Judges and Aſſiſtant Juſtices of the ſame Court*, as the Caſe may be, until the Term when the ſame Iſſue ſhall be tried, or ſome neceſſary Rule or Order made concerning ſuch Cauſe, or the Trial thereof, if any ſuch ſhall be made. *And further*, That the Caption of all Records of Judgments in the ſaid Mayors Courts, ſhall be in the following Form: *Pleas in the Court of Common Pleas, called the Mayors Court, held at*, (ſuch Place, of or in ſuch City as the ſame Court ſhall be actually held) *in and for the ſaid City, before the Mayor, Recorder and Aldermen of the ſame City, on* (ſuch Day as the Proceſs againſt the Defendant or Defendants in ſuch Cauſe ſhall be returnable, and be returned ſerved.) And that the Caption of all Records of Judgments in the ſeveral Courts of Common Pleas in the ſeveral Counties of this State, ſhall be in the following Form: *Pleas in the Court of Common Pleas, held at* (ſuch Place as the ſame Court ſhall be actually held) *in and for the County of* Westchester, or other County, as the Caſe may be, *before the Judges and Aſſiſtant Juſtices of the ſame Court, on* (ſuch Day as the Proceſs againſt the Defendant or Defendants in ſuch Caſe ſhall be returnable, and be returned ſerved.) And that it ſhall not be neceſſary in any ſuch Records in any of the ſaid Mayors Courts, or Courts of Common Pleas in the ſeveral Counties, to inſert the Names of the Mayor, Recorder, Aldermen, Judges or Aſſiſtant Juſtices, or any of them, either in the Caption of the ſame Records, or in any Continuance, or other Part of the ſame Records; nor ſhall it be neceſſary in any ſuch Record, to ſet forth the Authority by which any ſuch Court is held.

On Removal by Writ of Error, Diminution may be alledged.

VIII. *And be it further Enacted by the Authority aforeſaid*, That upon the Removal of any ſuch Record by Writ of Error, or upon Error brought in any Manner, upon any ſuch Judgement, it ſhall be lawful to alledge any Diminution,

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Diminution, or Defect, or Variance, or the Want of any Proceſs or Proceeding, in the ſame Manner, and the like Proceeding ſhall be thereupon had, as may or ought to be done in Caſes of Error upon Judgments in the Supreme Court.

Fees for drawing ſuch Record.

IX. *And be it further Enacted by the Authority aforeſaid*, That there ſhall be taken, allowed and paid, for drawing, making up and entering or engroſſing every ſuch Record, in any of the ſaid Mayors Courts, or other Courts of Common Pleas, the Sum of *Twelve Shillings*, and no more, to be taken by the Attorney or Clerk who ſhall do the Service. *And further*, That no Execution in any Caſe ſhall be iſſued until the Judgment is made up and ſigned.

No Execution to iſſue till Judgment ſigned.

Fees for drawing a Declaration.

X. *And be it further Enacted by the Authority aforeſaid*, That inſtead of the Fees allowed for drawing a Declaration in any of the Mayors Courts, or Courts of Common Pleas in the ſeveral Cities and Counties within this State, in and by an Act, entitled, ‡ *An* Act *for regulating the Fees of the ſeveral Officers and Miniſters of the Courts of Juſtice within this State;* there ſhall be allowed, paid and taken, the Sum of *Six Shillings*, and for a Copy of ſuch Declaration, the Sum of *Three Shillings*, and no more.

‡ 8*th Seſſ. Ch.* 71.

Former Laws repealed.

XI. *And be it further Enacted by the Authority aforeſaid*, That all former Laws for fixing the Times and Places of holding the ſaid Courts of Common Pleas and General Seſſions of the Peace, and Mayors Courts of the Cities of *New-York* and *Albany*, ſhall be, and hereby are repealed.

CHAP. XI.

An ACT *for the further Direction of the Commiſſioner of Forfeitures for the Eaſtern Diſtrict.*

Paſſed 5th February, 1787.

Commiſſioner of Forfeitures for the Eaſtern Diſtrict, empowered to ſell Lands at the Coffee-Houſe.

BE *it Enacted by the People of the State of New-York, repreſented in Senate and Aſſembly, and it is hereby Enacted by the Authority of the ſame*, That it ſhall and may be lawful to and for the Commiſſioner of Forfeitures for the Eaſtern Diſtrict, to ſell and diſpoſe of, at public Vendue, at the Coffee-Houſe in the City of *New-York*, all, or ſuch Parts as he ſhall think proper, of the forfeited Eſtates ſituated in the ſaid Eaſtern Diſtrict; any Law to the Contrary hereof in any wiſe notwithſtanding. *Provided nevertheleſs*, That the ſaid Commiſſioner ſhall have, previous to any ſuch Sales, advertiſed the ſame in two of the public News-Papers printed in this State, for the Term of ſix Weeks ſucceſſively.

CHAP. XII.

An ACT *to remit certain Penalties, Fines and Amerciaments.*

Paſſed 6th February, 1787.

Obſolete.

CHAP. XIII.

An ACT *for preventing Uſury.*

Paſſed 8th February, 1787.

No higher Intereſt than 7 *per Cent. per Annum*, to be taken;

I. BE *it Enacted by the People of the State of* New-York, *repreſented in Senate and Aſſembly, and it is hereby Enacted by the Authority of the ſame*, That no Perſon or Perſons whomſoever, ſhall hereafter take, directly or indirectly, for Loan of any Monies, Wares, Merchandize, or other Things whatſoever,

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whatſoever, above the Value of *Seven Pounds* for the Forbearance of *One Hundred Pounds*, for one Year, and ſo after that Rate for a greater or leſs Sum, or for a longer or ſhorter Time; nor take any Bond, Bill, Note or Security whatſoever, for Payment of Money to be lent, or to be due or payable by any Means whatſoever, whereupon or whereby there ſhall be reſerved, or taker, or included, above the Rate of *Seven Pounds* in the *Hundred*, as aforeſaid. *And further*, That all Bonds, Bills, Notes, Contracts and Aſſurances whatſoever, and all Depoſits of Goods, or other Things whatſoever, for Payment of any Principal or Money to be lent, or covenanted or agreed to be paid, upon or for any Uſury, whereupon or whereby there ſhall be reſerved, or taken, or ſecured, or agreed to be reſerved or taken, above the Sum of *Seven Pounds* in the *Hundred*, as aforeſaid, ſhall be utterly void.

And all Securities where more than 7 *per Cent* is taken, declared void.

II. *And be it further Enacted by the Authority aforeſaid*, That if any Perſon or Perſons whomſoever, ſhall hereafter take, accept, or receive, by Way or Means of any corrupt Bargain, Loan, Exchange, Chevizance, Shift, or Intereſt of any Money, Wares, Merchandize, or any other Thing or Things whatſoever, or by any deceitful Ways or Means, or by any Covin, Engine, or deceitful Conveyance, for the forbearing, or giving Day of Payment for one whole Year, of or for, his, her or their Money, or other Thing, above the Sum of *Seven Pounds*, either in Money, Goods, or any other Thing whatſoever, for the forbearing of *One Hundred Pounds*, for one Year, and ſo after that Rate for a greater or leſs Sum, or for a longer or ſhorter Time; the Perſon or Perſons ſo paying any ſuch Sums of Money, or delivering any ſuch Goods, or other Thing, his, her or their Executors or Adminiſtrators, ſhall be at Liberty, at any Time within one Year then next, to ſue for and recover the Money ſo paid, or the Value of the Goods or other Thing ſo delivered, above the Rate aforeſaid, or any Part thereof, from the Perſon or Perſons who ſhall have taken, accepted or received the ſame, or from his, her or their Executors or Adminiſtrators, with Coſts of Suit, by Action of Debt founded on this Act, to be proſecuted in any Court of Record having Cognizance of the ſame; in which Actions it ſhall be ſufficient for the Plaintiff or Plaintiffs to alledge, that the Defendant or Defendants, or his, her or their Teſtator or Inteſtate, is or are, or were indebted to the Plaintiff or Plaintiffs, or to his, her or their Teſtator or Inteſtate, in the Sum ſo paid, or the Value of the Goods or other Things ſo delivered, over and above the Rate aforeſaid, whereby an Action accrued to the Plaintiff or Plaintiffs, according to the Form of the Statute, entitled, *An* Act *for preventing Uſury*, to demand and have of the Defendant or Defendants, or his, her or their Teſtator or Inteſtate, the ſaid Sum, without ſetting forth the ſpecial Matter. And in Caſe the Perſon or Perſons ſo paying any ſuch Sum or Sums of Money, or ſo delivering any ſuch Goods or other Thing, ſhall not, within the Time aforeſaid, really and *bona fide*, and without Covin or Colluſion, commence his, her or their Suit or Action for the Money ſo paid, or for the Value of the Goods or other Things ſo delivered as aforeſaid, or ſhall ſuffer ſuch Suit or Action to be delayed or diſcontinued, then it ſhall and may be lawful for any other Perſon or Perſons, within one Year after ſuch Neglect, Diſcontinuance or Delay, by any ſuch Action or Suit as aforeſaid, to ſue for and recover the ſame in Manner aforeſaid, with Coſts of Suit, againſt the Perſon or Perſons who ſhall have taken, accepted or received the ſame, his, her or their Executors or Adminiſtrators; the one Moiety thereof to the Uſe of the Perſon or Perſons who will proſecute for the ſame with Effect, and the other Moiety thereof to the Uſe of the Poor of the Town or Place where the Offence ſhall be committed.

Perſons paying more than 7 *per Cent*. may recover back the ſame;

And if ſuch Suit be not commenced within one Year, any other Perſon may ſue for the ſame.

III. *And be it further Enacted by the Authority aforeſaid*, That no Scrivener, Broker, Solicitor, or Driver of Bargains or Contracts, ſhall hereafter take

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Premium allowed to Brokers;

or receive, directly or indirectly, any Sum or Sums of Money, Reward, Goods, or other Thing, for brokage, ſoliciting, driving, or procuring the Loan or Forbearance of any Sum or Sums of Money, over and above the Rate or Value of *Ten Shillings*, for the Loan or Forbearance of *One Hundred Pounds*, for one Year, and ſo in Proportion for a greater or leſs Sum; or above *Three Shillings* for making or renewing any Bond, Bill, Note or other Security, for the Loan or Forbearance thereof, or for any Counter Bond, Bill, or other Security concerning the ſame. And in Caſe any Scrivener, Broker, Solicitor, or Driver of Bargains or Contracts, or any other Perſon or Perſons, ſhall take, accept or receive, directly or indirectly, any Sum or Sums of Money, Reward, Goods, or other Thing, or any Depoſit or Security, for Brokage, ſoliciting, driving, or procuring the Loan or Forbearance of any Sum or Sums of Money, over and above the Rate or Value of *Ten Shillings*, for the Loan or Forbearance of *One Hundred Pounds*, for one Year, and ſo in Proportion for a greater or leſs Sum; the Perſon or Perſons ſo paying ſuch Sum or Sums, or delivering or depoſiting any ſuch Goods, or other Thing, above the Rate aforeſaid, or his, her or their Executors or Adminiſtrators, ſhall be at Liberty, at any Time within one Year after paying or delivering the ſame, to ſue for and recover the Money ſo paid, and the Value of the Goods, or other Thing ſo delivered or depoſited, above the Rate aforeſaid, or any Part thereof, from the Perſon or Perſons who ſhall have taken, accepted or received the ſame, or from his, her or their Executors or Adminiſtrators, with Coſts of Suit, by Action of Debt, founded on this Act, to be proſecuted in any Court of Record having Cognizance of the ſame; in which Actions it ſhall be ſufficient for the Plaintiff or Plaintiffs to alledge, that the Defendant or Defendants, or his, her or their Teſtator or Inteſtate, is or are, or were indebted to the Plaintiff or Plaintiffs, his, her or their Teſtator or Inteſtate, in the Sum ſo paid, or the Value of the Goods or other Thing ſo delivered or depoſited, over and above the Rate aforeſaid, whereby an Action accrued to the Plaintiff or Plaintiffs, or to his, her or their Teſtator or Inteſtate, according to the Form of the Statute, entitled, *An* Act *for preventing Uſury*, to demand and have of the Defendant or Defendants, or his, her or their Teſtator or Inteſtate, the ſaid Sum, without ſetting forth the ſpecial Matter. And in Caſe the Perſon or Perſons ſo paying any ſuch Sum or Sums of Money, or delivering or depoſiting any ſuch Goods, or other Thing, or his, her or their Executors or Adminiſtrators, ſhall not, within the Time aforeſaid, really and *bona fide*, or without Fraud or Colluſion, commence his, her or their Suit or Action for the Money ſo paid, or for the Value of the Goods or other Things ſo delivered or depoſited as aforeſaid, over and above the Rate aforeſaid, or ſhall ſuffer ſuch Suit to be delayed or diſcontinued; then it ſhall and may be lawful for any other Perſon or Perſons, within one Year after ſuch Neglect, Diſcontinuance or Delay, by any ſuch Action or Suit as aforeſaid, to ſue for and recover the ſame in Manner aforeſaid, with Coſts of Suit, againſt the Perſon or Perſons who ſhall have taken, accepted or received the ſame, his, her or their Executors or Adminiſtrators; the one Moiety thereof to the Uſe of the Perſon or Perſons who ſhall proſecute for the ſame with Effect, and the other Moiety thereof to the Uſe of the Poor of the Town or Place where the Offence ſhall be committed.

And if any Broker ſhall take more than what is allowed, the Perſon paying may recover the ſame back;

And if ſuch Suit be not commenced within one Year, any other Perſon may ſue for the ſame.

IV. And for the better Diſcovery of the Money, Goods or other Things ſo taken, accepted or received as aforeſaid, upon or for the Loan or Forbearance of Money, Goods, or other Things, or for Brokage, ſoliciting, driving, or procuring the Loan or Forbearance of any Sum or Sums of Money; *Be it further Enacted by the Authority aforeſaid*, That all and every the Perſon or Perſons who, by Virtue of this Act, ſhall or may be liable to be ſued for the ſame, ſhall be obliged and compellable to anſwer, upon Oath, ſuch

Perſons charged with Uſury, to anſwer ſuch Bill as may be filed againſt them for Diſcovery thereof.

ſuch Bill or Bills as ſhall be preferred againſt him, her or them, in the Court of Chancery, for diſcovering the Sum or Sums of Money, Goods, or other Thing, ſo taken, accepted or received, as aforeſaid. *And further*, That upon the Diſcovery and Re-Payment or Return of the Money, Goods, or other Thing ſo to be diſcovered, the Perſon or Perſons who ſhall ſo diſcover and repay or return the ſame as aforeſaid, with Coſts of Suit, ſhall be acquitted and diſcharged from any further or other Puniſhment, Forfeiture or Penalty, which he, ſhe or they may have incurred or become liable to, by taking, accepting or receiving ſuch Money, Goods or other Thing ſo diſcovered, and repaid or returned as aforeſaid.

A former Act repealed;

V. *And be it further Enacted by the Authority aforeſaid*, That the Act, entitled, *An* Act *for lowering the Intereſt of Money to ſeven per Cent.* paſſed the 16th of *December*, 1737, be, and the ſame is hereby repealed. *Provided*, That ſuch Repeal ſhall not be conſtrued to affect any Suits already commenced, or which hereafter may be commenced, for any Penalties heretofore incurred by Force of the ſaid Act; or to affect the Right and Benefit of pleading the ſaid Statute in bar to any Suit already brought, or hereafter to be brought, upon any Contract heretofore made; but ſuch Suits may be proſecuted, and ſuch Pleas made and allowed, and Judgments thereupon given, in the ſame Manner as if this preſent Act had not been paſſed.

But ſuch Repeal not to affect former Suits or Contracts.

CHAP. XIV.

An ACT *to reduce the Laws concerning Coſts, into one Statute.*

Paſſed 12th February, 1787.

In Suits where a Plaintiff recovers Damages, he ſhall recover Coſts;

I. BE *it Enacted by the People of the State of* New-York, *repreſented in Senate and Aſſembly, and it is hereby Enacted by the Authority of the ſame*, That if any Perſon or Perſons ſhall commence or ſue in any Court of Record within this State, any Action, Bill or Plaint of Debt, Covenant, Treſpaſs upon the Caſe, Detinue, Account, or upon any Statute, for any Offence or Wrong perſonal, immediately ſuppoſed to be done to the Plaintiff or Plaintiffs, Treſpaſs, Ejectment, or any other Action whatſoever, real, perſonal or mixt; and the Plaintiff or Plaintiffs, Demandant or Demandants, ſhall, by Verdict or otherwiſe, recover Damages in any ſuch Action, Bill or Plaint, that then the Plaintiff or Plaintiffs, Demandant or Demandants, in every ſuch Action, Bill or Plaint, ſhall have Judgment to recover his, her or their Coſts, againſt every ſuch Defendant or Defendants, to be aſſeſſed and taxed by the Diſcretion of the Court where any ſuch Action, Bill or Plaint ſhall be commenced, ſued or taken; and ſhall be levied and recovered, together with the Debt or Damages aforeſaid, againſt the Body or Bodies, or Goods and Chattels, Lands and Tenements of the Defendant or Defendants.

And in Caſes where Plaintiff would have recovered Coſts, Defendant to have Coſts, if he prevails;

II. *And be it further Enacted by the Authority aforeſaid*, That if any Perſon or Perſons ſhall commence or ſue, in any Court of Record within this State, any Action, Bill or Plaint whatſoever as aforeſaid, wherein the Plaintiff or Plaintiffs, Demandant or Demandants, might have Coſts, (if in Caſe Judgment ſhould be given for him, her or them) and the Plaintiff or Plaintiffs, Demandant or Demandants, in any ſuch Action, Bill or Plaint, after Appearance of the Defendant or Defendants, be non-ſuited, or that any Verdict happen to paſs by any lawful Trial againſt the Plaintiff or Plaintiffs, Demandant or Demandants, in any ſuch Action, Bill or Plaint, that then the Defendant or Defendants, in every ſuch Action, Bill or Plaint, ſhall have Judgment to recover his Coſts againſt every ſuch Plaintiff and Plaintiffs, (except againſt Executors or Adminiſtrators proſecuting in the Right of their Teſtators or Inteſtates) Demandant or Demandants, to be aſſeſſed and taxed

Except againſt Executors and Adminiſtrators.

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taxed by the Diſcretion of the Court where any ſuch Action, Bill or Plaint ſhall be commenced, ſued and taken as aforeſaid; and alſo, that every Defendant or Defendants, ſhall have ſuch Proceſs and Execution for the Recovery and having of his, her and their Coſts againſt the ſame Plaintiff or Plaintiffs, Demandant or Demandants, as the ſame Plaintiff or Plaintiffs, Demandant or Demandants, ſhould or might have had againſt the Defendant or Defendants, in Caſe that Judgment had been given for the ſaid Plaintiff or Plaintiffs, Demandant or Demandants, in any ſuch Action, Bill or Plaint.

Avowants in Replevin to recover Coſts.

III. *And be it further Enacted by the Authority aforeſaid*, That every Avowant, and every other Perſon or Perſons that make Avowry, Juſtification or Cognizance, as Bailiff, or Servant to any Perſon or Perſons, in any Replevin or ſecond Deliverance, if the ſame Avowry, Cognizance or Juſtification, be found for them, or the Plaintiff or Plaintiffs in the ſame be non-ſuit, or otherwiſe barred, that then they ſhall recover their Damages and Coſts againſt the ſaid Plaintiff or Plaintiffs, as the ſame Plaintiff or Plaintiffs ſhould have done, if he, ſhe or they had recovered in the ſame Replevin or ſecond Deliverance, if the ſame had been found againſt the Defendant or Defendants.

Where Plaintiff does not recover above *Ten Pounds*, he is to pay Coſts.

See 12th Seſſ. Ch. 28. Sec. 6.

IV. *And be it further Enacted by the Authority aforeſaid*, That if any Action, Bill, Plaint, Suit or Cauſe, not concerning any Freehold, or Inheritance, or Title of Land, nor for any Aſſault, Battery or Impriſonment, nor for Slander, nor Replevin, nor malicious Proſecution, which have been or ſhall be brought or commenced in any of the Courts of Common Pleas, or Mayors Courts, in any of the Cities or Counties of this State, if the Plaintiff ſhall not recover above the Sum of *Ten Pounds*, not having cauſed an Affidavit on Oath to be made and filed before the commencing ſuch Suit or Action, that the Debt due, or Damage ſuſtained, or the Value of the Thing in Demand exceed the Sum of *Ten Pounds*, then, and in every ſuch Caſe, the Plaintiff ſhall not recover any Coſts of Suit, but the Court ſhall award that the Plaintiff ſhall pay to the Defendant, his or her Coſts, to be taxed; for which the Defendant ſhall have Execution againſt the Body or Lands, and Goods and Chattels of the Plaintiff.

In Actions of Treſpaſs, and Aſſault and Battery, where the Plaintiff ſhall recover no more Coſts than Damages, without a Certificate from the Judge.

V. *And be it further Enacted by the Authority aforeſaid*, That in all Actions of Treſpaſs, and Aſſault and Battery, commenced or proſecuted in the Supreme Court, wherein the Judge at the Trial of the Cauſe ſhall not find and certify under his Hand, upon the Back of the Record, that an Aſſault and Battery was ſufficiently proved by the Plaintiff againſt the Defendant, or that the Freehold or Title of the Land mentioned in the Plaintiff's Declaration, was chiefly in Queſtion, the Plaintiff in ſuch Action, in Caſe the Jury ſhall find the Damages to be under the Value of *Forty Shillings*, ſhall not recover or obtain more Coſts of Suit than the Damages ſo found ſhall amount unto: And if any more Coſts in any ſuch Action ſhall be awarded, the Judgment ſhall be void, and the Defendant ſhall, by this Act, be acquitted of and from the ſame, and may have his Action againſt the Plaintiff for ſuch vexatious Suit, and recover his Damages and Coſts of ſuch Suit, in any of the ſaid Courts of Record.

In Actions of Slander, in the Supreme Court, if the Damages recovered are under 40s. Plaintiff to have no more Coſts than Damages.

VI. *And be it further Enacted by the Authority aforeſaid*, That in all Actions upon the Caſe, for ſlanderous Words, to be ſued or proſecuted by any Perſon or Perſons in the Supreme Court, if the Jury, upon the Trial of the Iſſue in ſuch Action, or the Jury that ſhall enquire of the Damages, do find or aſſeſs the Damages under *Forty Shillings*, then the Plaintiff or Plaintiffs in ſuch Action, ſhall have and recover only ſo much Coſts, as the Damages ſo given or aſſeſſed, amount unto, without any further Increaſe of the ſame.

VII. *And*

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In Actions of Treſpaſs, if certified to be wilful and malicious, Plaintiff to have full Coſts.

VII. *And be it further Enacted by the Authority aforeſaid*, That in all Actions of Treſpaſs to be commenced and proſecuted in any Court of Record within this State, wherein at the Trial of the Cauſe it ſhall appear and be certified by the Judge, under his Hand, upon the Back of the Record, that the Treſpaſs upon which any Defendant ſhall be found guilty, was wilful and malicious, the Plaintiff ſhall recover not only his Damages, but his full Coſts of Suit; any Thing in this Act contained to the Contrary notwithſtanding.

Coſts given on Writs of *Scire facias* and Prohibition, after Plea or Demurrer.

VIII. *And be it further Enacted by the Authority aforeſaid*, That in all Suits upon any Writ or Writs of *Scire Facias*, and Suits upon Prohibitions, the Plaintiff obtaining Judgment, or any Award of Execution, after Plea pleaded, or Demurrer joined therein, ſhall likewiſe recover his Coſts of Suit; and if the Plaintiff ſhall become non-ſuit, or ſuffer a Diſcontinuance, or a Verdict ſhall paſs againſt him, the Defendant ſhall recover his Coſts, and have Execution for the ſame in Manner aforeſaid.

In what Caſes one or more Defendants being acquitted, ſhall have Coſts.

IX. *And be it further Enacted by the Authority aforeſaid*, That where ſeveral Perſons are or ſhall be made Defendants to any Action, Bill or Plaint of Treſpaſs, Aſſault, falſe Impriſonment, or Ejectment, and any one or more of them ſhall be, upon the Trial thereof, acquitted by Verdict, every Perſon or Perſons ſo acquitted, ſhall have and recover his or her Coſts of Suit, in like Manner as if a Verdict had been given againſt the Plaintiff or Plaintiffs, and acquitted all the Defendants, unleſs the Judge before whom ſuch Cauſe ſhall be tried, ſhall immediately after the Trial thereof, in open Court, certify upon the Record, under his Hand, that there was a reaſonable Cauſe for the making ſuch Perſon or Perſons a Defendant or Defendants, to ſuch Action, Bill or Plaint.

Plaintiffs not declaring,

Or diſcontinuing,
Or being non-ſuited,

To pay Coſts.

X. *And be it further Enacted by the Authority aforeſaid*, That when and as often as any Perſon or Perſons ſhall ſue forth, or by any Means cauſe or procure to be ſued forth, out of any Court, any Bill, *Latitat*, *Capias*, *Alias*, or *Pluries Capias*, againſt any Perſon or Perſons, who upon the ſame Writ or Writs, or Proceſs, ſhall happen to be impriſoned, or ſhall, upon the Return of the ſame Writ or Writs, or Proceſs, appear and put in Bail, to anſwer ſuch Suit as ſhall be objected againſt him, her or them, according to the common Order or Practice of ſuch Court; then, and in every ſuch Caſe, if the Party or Parties, at whoſe Suit the ſame Writ or Writs, or Proceſs, was or were obtained or ſued forth, do not, before the End of the next Term or Court, after the Return of the ſame Writ or Writs, or Proceſs, or after ſuch Bail had and taken, put into the ſame Court, his, her or their Bill or Declaration, againſt the ſame Party or Parties, againſt whom ſuch Writ or Writs, or Proceſs, hath been, or ſhall be ſued; or if after a Declaration had and put into the ſame Court, the Plaintiff or Plaintiffs, in ſuch Caſe, ſhall not proſecute the ſame with Effect, but ſhall willingly and apparently to the ſame Court ſuffer his, her or their Suit to be delayed, or ſhall ſuffer the ſame Suit to be diſcontinued, or otherwiſe ſhall be non-ſuit in the ſame, then and in every ſuch Caſe, ſuch Court ſhall or may, at their Diſcretion, award and adjudge, to every ſuch Perſon and Perſons ſo arreſted, vexed, moleſted, or troubled by ſuch Writ or Writs, or Proceſs, or Suit, his, her and their Coſts, Damages and Charges, by any Means ſuſtained by Occaſion of any ſuch Writ or Writs, Proceſs, Arreſt or Suits, taken, ſued, or had againſt him, her or them, to be paid by ſuch Perſon or Perſons ſo cauſing or procuring any ſuch Writ or Writs, or Proceſs, to be ſued forth, as aforeſaid; and for which Coſts, Damages and Charges, the Perſon or Perſons to whom the ſame ſhall be awarded or adjudged, ſhall and may have like Execution as aforeſaid.

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Coſts given againſt Plaintiffs on Demurrer and Writs of Error.

XI. *And be it further Enacted by the Authority aforeſaid*, That if at any Time hereafter, any Perſon or Perſons ſhall commence or proſecute in any Court of Record, any Action, Plaint or Suit, wherein, upon any *Demurrer*, either by Plaintiff or Defendant, Demandant or Tenant, Judgment ſhall be given by the Court againſt ſuch Plaintiff or Demandant; or if at any Time after Judgment given for the Defendant or Tenant, in any ſuch Action, Plaint or Suit, the Plaintiff or Demandant ſhall ſue any Writ or Writs of Error, to annul the ſaid Judgment, and the ſaid Judgment ſhall afterwards be affirmed to be good, or the ſaid Writ of Error ſhall be diſcontinued, or the Plaintiff ſhall be non-ſuit therein, the Defendant or Tenant, in every ſuch Action, Plaint, Suit or Writ of Error, ſhall have Judgment to recover his Coſts againſt every ſuch Plaintiff or Plaintiffs, Demandant or Demandants, and have Execution for the ſame, in like Manner as aforeſaid.

On Writs of Error in Delay of Execution.

XII. *And be it further Enacted by the Authority aforeſaid*, That if any Defendant or Defendants, Tenant or Tenants, or any other Perſon or Perſons, that ſhall be bound by any Judgment obtained in any Court of Record, ſhall ſue, before Execution had, any Writ of Error, to reverſe any ſuch Judgment in Delay of Execution; that then, if the ſame Judgment be affirmed good in the ſaid Writ of Error, and not erroneous, or if the ſaid Writ be diſcontinued in the Default of the Party, or if any Perſon or Perſons that ſueth any Writ of Error be non-ſuited in the ſame, that then the ſaid Perſon or Perſons againſt whom the ſaid Writ of Error is ſo ſued, ſhall recover his, her or their Coſts and Damages, for his, her or their Delay and wrongful Vexation in the ſame, to be aſſeſſed and taxed by the Diſcretion of the Juſtices or Court before whom the ſaid Writ of Error is returnable, and have Execution for the ſame in Manner aforeſaid.

On Affirmance of Judgment on Writs of Error after Verdict, the Defendant to recover double Coſts.

XIII. *And be it further Enacted by the Authority aforeſaid*, That if any Perſon or Perſons ſhall ſue or proſecute any Writ or Writs of Error, for Reverſal of any Judgment whatſoever, given after any Verdict in any of the Courts aforeſaid, and the Judgment ſhall afterwards be affirmed, then every ſuch Perſon or Perſons ſhall pay unto the Defendant or Defendants in the ſaid Writ or Writs of Error, his, her or their double Coſts, to be aſſeſſed by the Court where ſuch Writ of Error ſhall be depending, for the delaying of Execution.

On Writs of Error quaſhed, the Defendant to have Coſts.

XIV. *And be it further Enacted by the Authority aforeſaid*, That upon the quaſhing any Writ of Error for Variance from the original Record, or other Defect, the Defendant or Defendants in ſuch Writ of Error, ſhall recover, againſt the Plaintiff or Plaintiffs iſſuing out ſuch Writ, his, her or their Coſts, as he, ſhe or they ſhould have had, if the Judgment had been affirmed, and to be recovered in the ſame Manner.

Capias pro fine taken away in certain Caſes.

XV. *And be it further Enacted by the Authority aforeſaid*, That no Writ or Writs, commonly called *Capias pro fine*, in any Suit or Action of Treſpaſs, Ejectment, Aſſault, and falſe Impriſonment, in any Court of Record, be ſued out or proſecuted againſt any Defendant or Defendants, or any further Proceſs thereupon, but the ſame Fines are and ſhall hereby be remitted and forever diſcharged.

In Chancery, Plaintiff to pay full Coſts on Diſmiſſion of his Bill.

XVI. AND for preventing vexatious Suits in Courts of Equity; *Be it further Enacted by the Authority aforeſaid*, That upon the Plaintiff's diſmiſſing his own Bill, or the Defendant's diſmiſſing the ſame, for Want of Proſecution, the Plaintiff in the Suit ſhall pay to the Defendant or Defendants, his, her or their full Coſts, to be taxed by a Maſter.

XVII. *And*

XVII. *And be it further Enacted by the Authority aforesaid*, That in all Suits commenced, or to be commenced, upon any Obligation or Specialty, made or to be made to the People of the State of *New-York*, or to any Person or Persons, to or for their Use, the People of this State, or other Plaintiff or Plaintiffs, shall have and recover both the Debt and Costs, and Damages, as any other common Persons may do in Suits for their Debts.

Defendants to pay Costs in Suits for Debts due to the State.

XVIII. *And be it further Enacted by the Authority aforesaid*, That where any Suit on Action is or shall be commenced, sued and prosecuted, by and in the Name of any Person or Persons, for any Debt, Sum or Sums of Money, due, owing or belonging to the People of this State, and the Plaintiff or Plaintiffs shall be non-suited therein, or if a Verdict shall pass against such Plaintiff or Plaintiffs, the Defendant or Defendants shall not recover any Costs against such Plaintiff or Plaintiffs.

Defendants not to have Costs in Suits brought for Debts due to the State.

XIX. *Provided always, and be it further Enacted by the Authority aforesaid*, That nothing in this Act contained, shall extend to any popular Action, nor to any Action to be prosecuted by any Person in Behalf of himself and the People of this State, upon any penal Statute; nor to any Indictment, Presentment, Inquisition or Appeal.

This Act not to extend to any popular Action, nor to any Indictment, Presentment, Inquisition or Appeal.

CHAP. XV.

An ACT *for regulating Elections.*

Passed 13th February, 1787.

I. BE *it Enacted by the People of the State of* New-York, *represented in Senate and Assembly, and it is hereby Enacted by the Authority of the same*, That all Elections for Governor, Lieutenant-Governor, Senators and Members of Assembly, shall be by Ballot; and that such Elections shall be held, not by Counties, but by Wards, in the Cities of *New-York* and *Albany*; and by Cities, Towns, Manors, Precincts and Districts, in all other Parts of this State; and for that Purpose, *the last Tuesday in* APRIL, in every Year, forever hereafter, shall be the anniversary Day on which such Elections shall respectively be held, and from which the same shall be respectively continued by Adjournments, if necessary, from Day to Day, not exceeding five Days, until the same shall respectively be completed.

Elections to be by Ballot,

And held by Wards and Towns,

On last Tuesday in *April*, yearly.

II. *And be it further Enacted by the Authority aforesaid*, That the respective Town-Clerks, Supervisors and Assessors of the several Cities, Towns, Manors, Precincts and Districts in this State, for the Time being, or the Majority of them, or the Survivors of them, or the Majority of such Survivors, shall, from Time to Time, be the Inspectors of the said Election in each City, Town, Manor, District and Precinct respectively, except in the Cities of *New-York* and *Albany*, wherein the Appointment shall be as follows; *That is to say*, That the Mayor, Recorder, Aldermen and Assistants, or Common-Council-Men, shall convene together in Common-Council, at the City-Hall of the said Cities respectively, on the first Tuesday of *April*, in every Year; and then and there shall, by Plurality of Voices, elect from among the substantial Freeholders actually resident in each Ward in the said Cities respectively, three Persons for Inspectors of the then ensuing Election, to be held in the several Wards of the said Cities respectively, for Governor, Lieutenant-Governor, Senator or Senators, and Members of Assembly, or such of them as by the Constitution of this State and this Act, shall be to be chosen at such Election.

Who shall be the Inspectors in the Counties,

And in the Cities of *New-York* and *Albany*.

III. *And be it further Enacted by the Authority aforesaid*, That the Clerk of the Senate for the Time being, shall forthwith, in the present Year, and between

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Clerk of the Senate to give Notice of chooſing Governor, Lieutenant-Governor and Senators.

between the firſt Day of *January* and the firſt Day of *March*, in every Year hereafter, incloſe and ſend in Writing under his Hand, to the ſeveral Sheriffs of the different Counties in the reſpective great Diſtricts of this State, a Notification of the Names of the Senators for each reſpective Diſtrict, whoſe Seats are to become vacant at the Expiration of the Year; and of the Names of thoſe, if any, whoſe Seats are become vacant, by Death or otherwiſe; and of the Number of Senators to be elected in ſuch Diſtrict at the next enſuing Election. And alſo that a Governor, and Lieutenant-Governor, or a Lieutenant-Governor only, (as the Caſe may require) is or are to be choſen at the then next Election, if any ſuch Choice ſhall be neceſſary. And in Caſe of the Death or Inability, or of the Removal of ſuch Clerk out of this State, it ſhall be the Duty of the Secretary of this State, and he is hereby enjoined to do all and every Thing and Things, which the ſaid Clerk is hereby enjoined to do.

Sheriff to notify the Inſpectors.

And each Sheriff ſhall, without Delay, tranſmit a Copy of ſuch Notification to ſome one Inſpector in each Ward, Town, Manor, Diſtrict and Precinct reſpectively, in his County; and alſo affix a Copy of the ſame Notification upon the Door of the Court-Houſe in his County.

Inſpectors to give *eight* Days Notice of the Place of Election,

IV. *And be it further Enacted by the Authority aforeſaid*, That each Inſpector, upon receiving ſuch Notification as aforeſaid, ſhall immediately give Notice thereof to the other Inſpectors of the ſame Ward, Town, Manor, Precinct or Diſtrict; and the ſeveral and reſpective Inſpectors for each reſpective Ward, Town, Manor, Precinct and Diſtrict, or the major Part of them, ſhall, without Delay, convene together, and by Writing under their reſpective Hands, to be affixed in at leaſt three of the moſt public Places of ſuch Ward, Town, Manor, Precinct or Diſtrict reſpectively, give *eight* Days Notice of the Place (which ſhall be the moſt public and convenient for the Purpoſe) within the ſame, where ſuch Election for a Governor, Lieutenant-Governor, Senator or Senators, and Members of Aſſembly, or ſuch of them as ſhall then be to be choſen, then next ſhall be held within the ſame, on the anniverſary Day hereby appointed for that Purpoſe; and on ſuch Day, and at ſuch Place, the ſeveral Inſpectors attending, which ſhall be the major Part of them, ſhall, in full View and hearing of the People, adminiſter to each other, and reſpectively take, at the opening of the Election, the following Oath, *viz.*

And to take an Oath.

Form of the Oath.

I ——— ———, *do ſolemnly and ſincerely declare and ſwear, in the Preſence of Almighty God, That I will in all Things, well, faithfully, honeſtly and impartially, and according to the Beſt of my Knowledge and Abilities, execute the Office of Inſpector of this Election.*

Inſpectors to appoint Clerks.

AND *further*, That at every ſuch Election as aforeſaid, capable and ſufficient Clerks, not leſs than two for each Ward, Town, Manor, Diſtrict and Precinct reſpectively, ſhall be appointed by the Inſpectors, or the major Part of them, to be the Clerks of every ſuch Court of Election as aforeſaid, reſpectively; each of whom ſhall keep a Poll-Liſt at every ſuch Election, under the Direction and View of the ſaid Inſpectors reſpectively, or the major Part of them; and the ſaid Inſpectors, or the major Part of them reſpectively, ſhall preſide at every ſuch Election, and conduct and direct the ſame according to the Regulations herein preſcribed, and be the returning Officers thereof reſpectively, in Manner herein after directed; and before admitting any Perſon to vote at any ſuch Election, ſhall adminiſter to each Clerk, who is hereby required to take the following Oath, *viz.*

Clerks Oath.

I ——— ———, *do ſolemnly and ſincerely declare and ſwear, in the Preſence of Almighty God, That I will faithfully, truly, honeſtly and impartially, enter and keep the Poll-Liſts at this Election; and in all Things will faithfully, truly, honeſtly and impartially, according to the Beſt of my Knowledge and Abilities, do, perform and fulfil my Duty, as a Clerk thereof.*

AND

AND the Inſpectors and Clerks being thus ſworn, the ſaid Inſpectors ſhall cauſe Proclamation to be three Times made, with a loud Voice, as follows, *viz.*

Proclamation to be made.

HEAR *ye! hear ye! hear ye! The Poll of this Election is opened, and all Manner of Perſons attending the ſame, are ſtrictly charged and commanded, by the Authority and in the Name of the People of this State, to keep the Peace thereof, during their Attendance at this Election, upon Pain of Impriſonment.*

Form thereof.

WHICH Proclamation ſhall be in like Manner made at the opening of the Poll, upon every Adjournment thereof; and on every Adjournment of the Poll, and on the cloſing thereof, Proclamation thereof reſpectively ſhall be made with a loud Voice. *Provided always*, That the Proclamation whereby the ſame ſhall be cloſed, ſhall be preceded by a Proclamation, to be made three Hours before the cloſing of the Poll, that the ſame will be cloſed at the Expiration of three Hours. And the Poll of every ſuch Election ſhall only be held open in the Day Time, and not before Sun-riſe nor after Sun-ſet.

Poll to be held open only in the Day Time.

V. *And be it further Enacted by the Authority aforeſaid*, That the Poll-Liſts for Governor, Lieutenant-Governor and Senators, or ſuch of them as ſhall be to be choſen at any ſuch Election, ſhall be kept diſtinct and ſeparate from thoſe for Members of Aſſembly; and that no Perſon ſhall vote, at any ſuch Election, out of the Ward, Town, Manor, Precinct or Diſtrict wherein he ſhall actually reſide.

Poll-Liſts for Governor, &c. to be kept ſeparately.

VI. *And be it further Enacted by the Authority aforeſaid*, That the Mode of conducting every ſuch Election as aforeſaid, ſhall be as follows, *to wit;* Every Perſon reſpectively, who ſhall be qualified according to the Conſtitution of this State, and this Law, to vote for Governor, Lieutenant-Governor and Senators, ſhall, at ſuch Election, openly deliver his Ballot for Governor, Lieutenant-Governor and Senators, or ſuch of them as ſhall be then to be choſen, to one of the Inſpectors, who ſhall receive the ſame in the Preſence of the other Inſpectors attending at ſuch Election; which Ballot ſhall be a Paper Ticket, containing the Name of a Perſon for Governor, and the Name of a Perſon for Lieutenant-Governor, and the Names of ſo many Perſons for Senators, as ſhall be then to be choſen in that Diſtrict wherein the Elector ſhall reſide, or ſuch and ſo many of them reſpectively as are then to be choſen, and ſuch Elector ſhall think proper to vote for, ſeverally written upon the ſame Paper Ticket, and diſtinguiſhing who is voted for as Governor, when a Governor is to be choſen, and who is voted for as Lieutenant-Governor, when a Lieutenant-Governor is to be choſen, and who are voted for as Senators. And the ſaid Paper Ticket ſhall be ſo folded or rolled up and tied, or otherwiſe cloſed, as to conceal the Writing thereon. And on Receipt of every Ballot or Ticket for Governor, Lieutenant-Governor and Senators, or any or either of them, the Inſpectors ſhall cauſe the Name of the Elector to be entered in the Books or Poll-Liſts for Governor, Lieutenant-Governor and Senators, or ſuch of them as are then to be choſen, by all the Clerks, and ſhall cauſe the Ballot, without ſuffering the ſame to be inſpected, to be put into a Box to be provided for the Purpoſe of receiving the Ballots for Governor, Lieutenant-Governor and Senators, or ſuch of them as are then to be choſen, with a ſufficient Lock thereto; and which Box ſhall be locked, and the Key thereof be kept, during the Election, by one of the Inſpectors attending ſuch Election, to be appointed for the Purpoſe by the major Part of them; and a ſmall Hole ſhall be made in the Lid or Cover of the Box, ſufficient only to receive each Ballot, and through which all the Ballots ſhall be put into the Box; and which Box ſhall only be opened at the Times herein after mentioned.

Mode of conducting Elections for Governor, Lieutenant-Governor and Senators.

AND *further*, That every Perſon who ſhall be qualified according to the Conſtitution of this State, and this Law, to vote for Members of Aſſembly, ſhall,

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ſhall, at ſuch Election, openly deliver his Ballot for Members of Aſſembly, to one of the Inſpectors, who ſhall receive the ſame in the Preſence of the other Inſpectors attending at ſuch Election, and which Ballot ſhall be a Paper Ticket, containing the Names of as many Perſons for Members of Aſſembly, as are then to be choſen for the County wherein ſuch Elector ſhall then reſide, or ſo many of them as ſuch Elector ſhall think proper to vote for, ſeverally written upon the ſame Paper Ticket; and the ſaid Paper Ticket ſhall be ſo folded or rolled up and tied, or otherwiſe cloſed, as to conceal the Writing thereon: And on Receipt of every Ballot or Ticket for Members of Aſſembly, the Inſpector ſhall cauſe the Name of the Elector to be written in the Books or Poll-Liſts for Members of Aſſembly, by all the Clerks, and ſhall cauſe the Ballot, without ſuffering the ſame to be inſpected, to be put into a Box to be provided for the Purpoſe of receiving the Ballots for Members of Aſſembly, with a ſufficient Lock thereto; and which Box ſhall be locked, and the Key thereof be kept, during the Election, by one of the Inſpectors attending ſuch Election, to be appointed for the Purpoſe by the major Part of them; and a ſmall Hole ſhall be made in the Lid or Cover, ſufficient only to receive each Ballot, and through which all the Ballots for Members of Aſſembly ſhall be put into the Box, and which Box ſhall only be opened at the Times herein after mentioned.

How the Poll-Liſts to be diſpoſed of on the Adjournment of the Poll.

AND *further*, That on every Adjournment of the Poll, the Clerks Books, or Poll-Liſts for Governor, Lieutenant-Governor, Senators and Members of Aſſembly, or ſuch of them as are then to be choſen, ſhall be carefully compared in the Preſence of the Inſpectors, and any Miſtakes in either of them, ſhall be corrected according to the Judgment of a major Part of the Inſpectors; whereupon the Boxes ſhall be opened, the Books or Poll-Liſts put into them reſpectively, and the Boxes then locked with the Books or Poll-Liſts therein, and the Keys delivered to ſuch one of the Inſpectors, as the Majority of them ſhall appoint: And the Seal or Seals of one or more of the Inſpectors, ſhall be put upon the ſaid Boxes, ſo as to cover the Holes in the Lids thereof. And the Boxes ſhall then be delivered to ſuch other one of the Inſpectors attending ſuch Election, as a Majority of them ſhall direct, who ſhall carefully keep the ſame, and ſhall, without having ſuffered the ſame to be opened, or the ſaid Seal or Seals to be broken or removed, deliver the ſame Boxes in at the Election Table, at the next opening of the Poll, in the Preſence of all the Spectators attending on the ſaid Election; when and where the Seals ſhall be broken, and the Boxes opened, and the Poll-Books or Liſts taken out, and the Boxes again locked, in order to proceed in the ſaid Election; which Courſe ſhall be obſerved and purſued until the Poll be cloſed.

Electors ſuſpected not to be qualified, to take an Oath.

VII. *And be it further Enacted by the Authority aforeſaid*, That whenever any Perſon ſhall preſent himſelf to give his Vote or Ballot, at any ſuch Election as aforeſaid, as a Freeholder qualified by the Conſtitution of this State to vote for a Governor or Lieutenant-Governor, and either of the Inſpectors ſhall ſuſpect, or any other Perſon entitled to vote at ſuch Election, ſhall challenge him to be unqualified for the Purpoſe, the Inſpectors ſhall tender and adminiſter to him the following Oath, *to wit:*

Form of Oath to be taken by Electors for Governor.

I ——— ———, *do ſolemnly and ſincerely ſwear and declare, in the Preſence of Almighty God, That I am poſſeſſed of a Freehold in my own Right (or in the Right of my Wife, as the Caſe may be) of the Value of* One Hundred Pounds, *within this State, over and above all Debts charged thereon; and that I am an actual Reſident of the Ward, Town, Manor, Diſtrict or Precinct of* ———, *in the County of* ———, *(as the Caſe may be) and have not been before polled in any Part of this State, at this Election.*

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AND that whenever any Person shall present himself to give his Vote for Senators, and either of the Inspectors shall suspect, or any Person entitled to vote at such Election, shall challenge him to be unqualified for the Purpose, the Inspectors shall tender and administer to him the following Oath, *to wit:*

For Senators.

I ——— ———, *do solemnly and sincerely swear and declare, in the Presence of Almighty God, That I am possessed of a Freehold in my own Right (or in the Right of my Wife, as the Case may be) of the Value of* One Hundred Pounds, *within the County of* ———, *in the* ——— *District (as designated by the Constitution of this State) over and above all Debts charged thereon; and that I am an actual Resident of the Ward, Town, Manor, District or Precinct of* ———, *in this County (as the Case may be) and have not been before polled in any Part of this State, at this Election.*

For Members of Assembly.

AND that whenever any Man shall present himself to give his Vote or Ballot for Members of Assembly only, and either of the said Inspectors shall suspect, or any Person present, and entitled to vote at such Election, shall challenge him to be unqualified for the Purpose, the Inspectors shall tender and administer to him the following Oath, *viz.*

I ——— ———, *do solemnly and sincerely swear and declare, in the Presence of Almighty God, That I am, and have been for six Months next and immediately preceding this Election, a Freeholder, and possessed of a Freehold in my own Right (or in my Wife's Right, as the Case may be) of the Value of* Twenty Pounds, *in the County of* ——— *or have, for six Months next and immediately preceding this Election, rented a Tenement of the yearly Value of* Forty Shillings, *within the County of* ———, *and have been rated, and actually paid Taxes to this State; and that I now am an actual Resident of the Ward, Town, Manor, District or Precinct of* ———, *(as the Case may be) and that I have not been polled before in any Part of the said County, at this Election.*

Elector refusing to take the Oath, to lose his Vote.

AND in Case the Elector shall refuse to take the said Oath, when so tendered to him as aforesaid, he shall lose his Vote at the said Election. *Provided nevertheless*, That nothing herein before contained, shall be construed to deprive the Persons who were Freemen of the City of *New-York*, on the fourteenth Day of *October*, in the Year of our Lord One Thousand Seven Hundred and Seventy-five, or Freemen of the City of *Albany*, on the Twentieth Day of *April*, in the Year of our Lord One Thousand Seven Hundred and Seventy-seven, and who shall be actually and usually resident in the said Cities respectively, and who may refuse to take the Oath last above contained, of the Right of voting for Representatives in Assembly in the said Cities, reserved to them by the seventh Article of the Constitution of this State.

What Freemen of *New-York* and *Albany* entitled to vote.

Provided also, That whenever any Man shall present himself to give his Vote or Ballot as a Freeman of the said City of *New-York*, or City of *Albany*, for Representatives in Assembly, and either of the Inspectors shall suspect him to be unqualified for the Purpose, they shall tender to him the following Oath, *to wit:*

To take an Oath.

Form of Oath.

I ——— ———, *do solemnly and sincerely swear and declare, in the Presence of Almighty God, That I now am, and was a Freeman of the City of* New-York, *before the fifteenth Day of* October, *in the Year of our Lord One Thousand Seven Hundred and Seventy-five, or a Freeman of the City of* Albany, *before the Twenty-first Day of* April, *in the Year of our Lord One Thousand Seven Hundred and Seventy-seven, (as the Case may be) and that I now am an actual Resident in* ——— *Ward of the City of* New-York *(or* Albany, *as the Case may be) and that I have not been polled before at this Election, in any Part of this State.*

AND in Case such Elector shall refuse to make such Oath, when tendered to him as aforesaid, he shall lose his Vote at the said Election.

VIII. *And*

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An Oath to be tendered to diſaffected Electors.

VIII. *And be it further Enacted by the Authority aforeſaid*, That at every ſuch Election, the Inſpector ſhall tender and adminiſter to each Elector preſenting himſelf to vote at ſuch Election, if any or either of them ſhall ſuſpect that ſuch Elector is not well affected to the Government of this State, the following Oath, *to wit*:

Form of Oath.

I——, *do ſolemnly, without any mental Reſervation or Equivocation whatever, ſwear and declare, and call God to Witneſs, That I do abjure and renounce all Allegiance and Subjection to the King of* Great-Britain, *and to all and every other foreign King, Prince, Potentate, and State whatſoever; and that I will bear true Faith and Allegiance to the State of* New-York, *as a free and independent State; and that I will, in all Things, to the Beſt of my Knowledge and Ability, do my Duty as a good and faithful Citizen of the ſaid State ought to do.*

And if any Elector ſhall refuſe to take the ſaid Oath, when tendered to him as aforeſaid, he ſhall not be permitted to vote at ſuch Election. And if at any ſuch Election the Inſpector ſhall receive the Vote or Ballot of any Elector, who, upon being tendered the ſaid Oath, ſhall refuſe to take the ſame, the Perſon or Perſons ſo offending, ſhall, for each Offence, forfeit the Sum of *Five Pounds*, to any Perſon who will ſue for the ſame, to be recovered, with Coſts. *And further*, It ſhall and may be lawful for the Inſpectors, at any ſuch Election, and they are hereby required to adminiſter the ſaid Oath to any Elector who ſhall voluntarily offer to take the ſame.

How Poll-Liſts and Ballots for Governor, Lieutenant-Governor and Senators, to be diſpoſed of on cloſing the Poll.

IX. *And be it further Enacted by the Authority aforeſaid*, That on cloſing the Poll at every ſuch Election, the Poll-Books, or Liſts for Governor, Lieutenant-Governor and Senators, or ſuch of them as were to be choſen at ſuch Election, ſhall, after due Examination and Correction thereof, be ſigned by the Inſpectors attending the cloſing of the Poll, and Clerks who ſhall have kept the ſame Poll-Books, or Liſts reſpectively; and the Box containing the Ballots or Tickets for Governor, Lieutenant-Governor and Senators, or ſuch of them as were to be choſen at ſuch Election, ſhall then be opened, and the Ballots or Tickets contained therein, be taken out, and without being inſpected, ſhall, together with the Poll-Books or Liſts, be immediately put up under Cover, and incloſed, and the Incloſure bound with Tape, and ſealed in ſuch Manner as to prevent its being opened without Diſcovery; and the Inſpectors preſent at cloſing the Poll, ſhall then put their Seals, and write their Names upon the ſame Incloſure; and one of the Inſpectors then preſent, to be appointed for that Purpoſe by a Majority of them, ſhall deliver the ſame Incloſure, ſo ſealed up as aforeſaid, to the Sheriff of the County, without Delay.

How Poll-Liſts and Ballots for Members of Aſſembly to be diſpoſed of.

And *further*, That the Poll-Books, or Liſts for Members of Aſſembly, ſhall, on cloſing the Poll at every ſuch Election, after due Examination and Correction, be ſigned by the Inſpectors attending at the cloſing of the Poll, and the Clerks who ſhall have kept the ſame Poll-Books or Liſts reſpectively; and then the Box containing the Ballots or Tickets for Members of Aſſembly, ſhall be opened, and the Ballots or Tickets contained therein taken out, and without being inſpected, ſhall, together with the Poll-Books, or Liſts for Members of Aſſembly, be immediately put up under Cover, and incloſed, and the Incloſure bound with Tape, and ſealed in ſuch Manner as to prevent its being opened without Diſcovery: And the Inſpectors preſent at cloſing the Poll, ſhall then put their Seals, and write their Names upon the ſame Incloſure; and one of the Inſpectors then preſent, to be appointed for that Purpoſe by a Majority of them, ſhall deliver the ſame Incloſure, ſo ſealed up as aforeſaid, to the Clerk of the County, without Delay, who ſhall carefully preſerve and keep the ſame unbroken and unopened, until the Meeting of the Perſons appointed to canvaſs and eſtimate the Ballots therein contained, when he ſhall deliver the ſame Incloſure, unbroken and unopened, to them.

X. *And*

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X. *And be it further Enacted by the Authority aforeſaid,* That each and every Sheriff of the reſpective Counties in this State, ſhall, upon receiving the ſaid Incloſures directed to be delivered to them as aforeſaid, without opening or inſpecting the ſame, or any or either of them, put the ſaid Incloſures, and every of them, into one Box, which ſhall be well cloſed and ſealed up by him, under his Hand and Seal, with the Name of his County wrote on the Box, and be delivered by him, without opening the ſame, or the Incloſures therein contained, into the Office of the Secretary of this State, before the laſt Tueſday of *May*, in every Year, where the ſame ſhall be ſafely kept by the Secretary of this State, or his Deputy, unbroken and unopened, until the meeting of the Perſons appointed to canvaſs and eſtimate the Ballots therein contained, when he ſhall deliver all the ſaid Boxes, unbroken and unopened, to them.

Sheriffs to put Poll-Liſts and Ballots into a Box, and deliver the ſame into the Secretary's Office.

Secretary's Duty.

XI. *And be it further Enacted by the Authority aforeſaid,* That a joint Committee ſhall be appointed yearly and every Year, to canvaſs and eſtimate the Votes for Governor, Lieutenant-Governor and Senators, or ſuch of them as are then to be choſen; which Committee ſhall conſiſt of *twelve* Members; *That is to ſay,* Six to be appointed by the Senate out of their Body, and ſix to be appointed by the Aſſembly out of their Body; and ſuch Committee ſhall be annually appointed, by Reſolutions of each Body reſpectively, and ſhall meet at the Office of the Secretary of this State, on the laſt Tueſday of *May;* at which Meeting the ſaid joint Committee, or the major Part of them, or the Survivors of them, or the major Part of ſuch Survivors, ſhall, on the ſaid Day, and on ſo many Days next ſucceeding thereto, as ſhall be neceſſary for the Purpoſe, proceed to open the ſaid Boxes, one after the other, and the Incloſures therein contained reſpectively, and canvaſs and eſtimate the Votes therein contained: And if the Number of Ballots in any Incloſure ſhall exceed the Number of Electors contained on the Poll-Liſts in the ſame Incloſure, then the ſaid joint Committee, or other Perſons appointed to canvaſs ſuch Ballots, ſhall proceed to draw out and deſtroy unopened, ſo many of the ſaid Ballots, as ſhall amount to the Exceſs, and ſhall proceed to canvaſs and eſtimate the Reſidue: And when and as ſoon as they ſhall be able to determine upon ſuch Canvaſs and Eſtimate, who by the greateſt Number of Votes ſhall have been choſen for a Governor, if a Governor was to be choſen, and who by the greateſt Number of Votes ſhall have been choſen for Lieutenant-Governor, if a Lieutenant-Governor was to be choſen, and who by the greateſt Number of Votes ſhall have been choſen for Senators, and within fourteen Days next after the ſaid laſt Tueſday in *May*, the ſaid joint Committee, or the major Part of them, or the Survivors of them, or the major Part of ſuch Survivors, or other Perſons appointed to canvaſs ſuch Ballots, ſhall determine the ſame; and thereupon, without Delay, make and ſubſcribe with their own proper Names and Hand-Writing, a Certificate of ſuch Determination, in a Book to be kept for that Purpoſe in the ſaid Secretary's Office, there to remain of Record, and without Delay deliver, or cauſe to be delivered, a true Copy thereof, ſo ſubſcribed as aforeſaid, to each of the Perſons ſo elected reſpectively, and to the Perſon adminiſtring the Government of the State for the Time being, and another Copy thereof, ſubſcribed as aforeſaid, unto the Senate, on the firſt Monday in *July*, in every Year, or at the next Meeting of the Legiſlature thereafter: And when a Governor, or Lieutenant-Governor, ſhall be to be choſen, the ſaid joint Committee, or the major Part of them, or the Survivors of them, or the major Part of ſuch Survivors, or other Perſons appointed to canvaſs ſuch Ballots, ſhall alſo cauſe true Copies thereof, ſubſcribed as aforeſaid, to be publiſhed in at leaſt three of the public News-Papers printed in this State. And when at any Election a Senator is to be choſen in the Room of one dead or removed from Office, the ſaid joint Committee, or the major Part of them, or the Survivors of them, or the major Part of ſuch Survivors, or other Perſons appointed to canvaſs ſuch Ballots, ſhall alſo, upon

Joint Committee to be annually appointed by the Senate and Aſſembly, to canvaſs the Ballots for Governor, Lieutenant-Governor and Senators.

Time and Place of meeting of the Committee.

How they are to proceed.

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the ſaid Canvaſs and Eſtimate, determine and certify, in the Manner aforeſaid, which of the Perſons choſen for Senator, at ſuch Election, is elected in the Room of the Perſon deceaſed or removed from Office; and in order to enable them to determine the ſame, it is hereby declared, that when a Senator is to be choſen in the Room of one dead or removed from Office, and any Elector does not on his Ballot deſignate who he votes for as Senator, in the Room of the Perſon deceaſed or removed from Office; then the Perſon laſt named on the Ballot, ſhall be taken to be voted for in the Room of the Perſon deceaſed or removed from Office, if the Elector votes for the full Number of Senators then to be choſen; but if he does not vote for the full Number, then it ſhall be ſuppoſed that he did not mean to vote for any Perſon, in the Room of the Perſon deceaſed or removed from Office; and ſo in all Caſes where more than one Senator is to be choſen, in the Room of others either dead or removed from Office, the laſt Perſon named on the Ballot, ſhall be ſuppoſed to be voted for in the Room of the Perſon whoſe Time of Continuance in Office was neareſt expiring, at the Time of his Death or Removal from Office, and the laſt but one in the Room of the next, and ſo on, unleſs otherwiſe diſtinguiſhed on the Ballot. *And further*, That immediately upon making ſuch Determination as aforeſaid, all the Poll-Books, or Liſts and Ballots, or Tickets for Governor, Lieutenant-Governor and Senators, and for each and every of them, ſhall be deſtroyed by the ſaid joint Committee.

After ſuch Canvaſs, Poll-Books & Ballots to be deſtroyed.

In Caſe of Non-Attendance of Committee, Secretary to give Notice thereof to the Chancellor, and Judges of the Supreme Court, who ſhall canvaſs ſuch Votes.

AND *further*, That in Caſe no ſuch Committee ſhould be appointed, or if ſuch Committee ſhould not meet as aforeſaid, on the laſt Tueſday in *May*, in any Year, then it ſhall be the Duty of the Secretary of this State for the Time being, to give Notice thereof, on the ſaid laſt Tueſday in *May*, or within four Days thereafter, to the Chancellor and the Juſtices of the Supreme Court of this State, for the Time being; and the Chancellor and Juſtices of the Supreme Court, or the major Part of them, ſhall be, and hereby are, in ſuch Caſe, authoriſed and required to meet at the Office of the Secretary of this State, on the ſecond Tueſday in *June*, in the ſame Year, and on that Day, and on ſo many Days next ſucceeding thereto as ſhall be neceſſary for the Purpoſe, canvaſs and eſtimate the ſaid Votes, and do, execute and perform, all and every Thing and Things in and about the Premiſes, in the ſame Manner as ſuch joint Committee might or ought to have done. *And moreover*, when a Majority of the ſaid joint Committee, or a Majority of the Survivors of them, or the major Part of the ſaid Chancellor and Juſtices of the Supreme Court, ſhall meet as aforeſaid, for the Purpoſe of canvaſſing and eſtimating the Votes for Governor, Lieutenant-Governor and Senators, or for any of them, ſuch Majority ſhall be, and hereby are authoriſed, empowered and required, to proceed to ſuch Canvaſs and Eſtimate; and all Queſtions which ſhall ariſe upon ſuch Canvaſs and Eſtimate, or upon any of the Proceedings therein, ſhall be determined according to the Opinion of the major Part of the Perſons ſo met, conformable to this Act, and their Judgment and Determination ſhall, in all Caſes, be binding and concluſive.

A Majority of Canvaſſers empowered to act.

Officers elected, when to enter on Duty.

AND *further*, That the Governor and Lieutenant-Governor ſo elected, having ſeverally taken their reſpective Oaths of Office, ſhall ſeverally enter upon the Execution of their reſpective Offices, on the firſt Day of *July* then next enſuing; and that the Senators ſo elected, ſhall reſpectively give their Attendance, and take their reſpective Seats in Senate, on the firſt Monday of *July*, in every Year, or at the next Meeting of the Legiſlature thereafter.

Canvaſſers to take an Oath.

XII. *And be it further Enacted by the Authority aforeſaid*, That the ſaid joint Committee, and the Chancellor and Juſtices of the Supreme Court, or ſuch of them as ſhall attend to make ſuch Canvaſs and Eſtimate as aforeſaid, before they proceed to open any of the Boxes delivered by the Sheriffs as aforeſaid, ſhall

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ſhall ſeverally take and ſubſcribe, before the Secretary of this State, or his ſworn Deputy, or a Maſter in Chancery, the following Oath, *to wit:*

Form of Oath.

I ——, *appointed by the Senate or Aſſembly*, (as the Caſe may be) *to canvaſs and eſtimate the Votes for Governor, Lieutenant-Governor and Senators, or for Lieutenant-Governor and Senators, or for Senators*, (as the Caſe may be) *taken at the laſt Election held within this State:* or, I ——, *Chancellor or one of the Juſtices of the Supreme Court of the State of* New-York, (as the Caſe may be) *do ſolemnly and ſincerely ſwear and declare, in the Preſence of Almighty God, That I will faithfully, honeſtly and impartially canvaſs and eſtimate the Votes for Governor, Lieutenant-Governor and Senators, or for Lieutenant-Governor and Senators, or for Senators* (as the Caſe may be) *contained in the Boxes delivered into the Office of the Secretary of this State, by the Sheriffs of the ſeveral Counties; and that I will publiſh and declare the Perſon who hath the greateſt Number of Votes for Governor* (if a Governor was to be choſen at ſuch Election) *to be elected to the ſaid Office of Governor; and the Perſon who hath the greateſt Number of Votes for Lieutenant-Governor* (if any was to be choſen at ſuch Election) *to be elected to the ſaid Office of Lieutenant-Governor; and the Perſons who have the greateſt Number of Votes for Senators, to be elected to the ſaid Office of Senators reſpectively; and if I ſhall diſcover any of the other Perſons appointed a Committee with me, (or who ſhall attend with me) for the Purpoſe aforeſaid, conducting himſelf or themſelves partially, unduly or corruptly, in the Premiſes, that I will divulge and diſcover the ſame, to the End that the Perſon ſo offending may be brought to Juſtice.*

Oath to be recorded.

WHICH Oath ſhall be entered of Record, by the Secretary or his Deputy, in the ſame Book in which the Certificate of the Determination upon ſuch Canvaſs and Eſtimate, is to be entered as aforeſaid.

Mayor, Recorder and Aldermen to canvaſs Ballots for Members of Aſſembly, in the City of *New-York*.

XIII. *And be it further Enacted by the Authority aforeſaid*, That the Mayor, Recorder and Aldermen of the City of *New-York* for the Time being, or the major Part of them, ſhall be, and hereby are authoriſed and required to canvaſs and eſtimate the Votes for Members of Aſſembly for the ſaid City and County of *New-York*, and ſhall yearly meet together for that Purpoſe, at the *City-Hall* of the City of *New-York*, on the laſt Tueſday in *May*, in every Year, and on that Day, and on ſo many Days next ſucceeding thereto, as ſhall be neceſſary for the Purpoſe, proceed to open the ſaid Incloſures delivered to the Clerk of the ſaid City, and canvaſs and eſtimate the Votes therein contained; and when and as ſoon as they ſhall be able to determine upon ſuch Canvaſs and Eſtimate, who by the greateſt Number of Votes ſhall have been choſen for Members of Aſſembly for the ſaid City and County of *New-York*, at the laſt preceding Election, and within fourteen Days after the ſaid laſt Tueſday of *May*, they ſhall determine the ſame, and thereupon, without Delay, make and ſubſcribe, with their own proper Names and Hand-Writing, a Certificate of ſuch Determination, in a Book to be kept for that Purpoſe in the Office of the Clerk of the City of *New-York*, there to remain of Record, and without Delay deliver, or cauſe to be delivered, a true Copy thereof, ſo ſubſcribed as aforeſaid, to each of the Perſons ſo elected reſpectively, and to the Perſon adminiſtring the Government of this State for the Time being; and ſhall alſo deliver, or cauſe to be delivered, another Copy thereof, ſo ſubſcribed as aforeſaid, unto the Aſſembly, on the firſt Monday of *July*, in every Year, or at the next Meeting of the Legiſlature thereafter; and immediately upon making ſuch Determination as aforeſaid, all the Poll-Books, or Liſts and Ballots, or Tickets for Members of Aſſembly for the ſame City and County, ſhall be deſtroyed by the ſaid Mayor, Recorder and Aldermen, or by ſome or one of them.

Poll-Liſts and Ballots to be deſtroyed.

XIV. *And*

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Supervisors to canvaſs the Votes for Members of Aſſembly in the Counties.

Time and Place.

Altered as to Weſtchester, *12th Seſſ. Ch.* 35.

XIV. *And be it further Enacted by the Authority aforeſaid*, That the Superviſors of each and every of the other Counties of this State, for the Time being reſpectively, or the major Part of them, ſhall be, and hereby are authoriſed and required to canvaſs and eſtimate the Votes for Members of Aſſembly, for their reſpective Counties. And the Superviſors of each reſpective County, for the Time being, or the major Part of them, ſhall yearly meet together for that Purpoſe, on the laſt Tueſday of *May*, in every Year, at the Court-Houſe in the ſame County, if there be any, and if not, or if there be more than one Court-Houſe in ſuch County, then at the Houſe or Place where the then laſt Court of Seſſions of the Peace for the ſame County, was held; and on that Day, and on ſo many Days next ſucceeding thereto as ſhall be neceſſary for the Purpoſe, proceed to open the ſaid Incloſures delivered to the Clerk of the ſaid County as aforeſaid, and canvaſs and eſtimate the ſaid Votes therein contained; and when and as ſoon as they ſhall be able to determine upon ſuch Canvaſs and Eſtimate, who by the greateſt Number of Votes ſhall have been choſen for Members of Aſſembly for the ſame County, at the laſt preceding Election, and within fourteen Days after the ſaid laſt Tueſday of *May*, they ſhall determine the ſame, and thereupon, without Delay, make and ſubſcribe, with their own proper Names and Hand-Writing, a Certificate of ſuch Determination, in a Book to be kept for that Purpoſe in the Office of the Clerk of the ſame County, there to remain of Record; and without Delay deliver, or cauſe to be delivered, a true Copy thereof, ſo ſubſcribed as aforeſaid, to each of the Perſons ſo elected reſpectively, and to the Perſon adminiſtring the Government of this State for the Time being: And ſhall alſo deliver, or cauſe to be delivered, another Copy thereof, ſo ſubſcribed as aforeſaid, unto the Aſſembly, on the firſt Monday of *July*, in every Year, or at the firſt Meeting of the Legiſlature thereafter. And immediately upon making ſuch Determination as aforeſaid, all the Poll-Books or Liſts, and Ballots or Tickets for Members of Aſſembly for the ſame County, ſhall be deſtroyed by the ſaid Superviſors, or by ſome or one of them.

Poll-Liſts and Ballots to be deſtroyed.

In Caſe of Non-Attendance of Superviſors, Clerk to give Notice thereof to Judges and Aſſiſtant Juſtices, who ſhall canvaſs ſuch Votes.

XV. *And be it further Enacted by the Authority aforeſaid*, That in Caſe the Superviſors for the Time being of any County, or a Majority of them, ſhall not meet as aforeſaid on the laſt Tueſday of *May*, in any Year, then the Clerk of ſuch County ſhall, on the ſaid laſt Tueſday of *May*, or within three Days thereafter, give Notice thereof to the Judges and Aſſiſtant Juſtices of the Court of Common Pleas for the Time being, in the ſame County, and the ſame Judges and Juſtices, or the major Part of them, ſhall be, and hereby are in ſuch Caſe, authoriſed and required to meet together on the ſecond Tueſday in *June*, in the ſame Year, at the ſame Place where the Superviſors ought to have met, and on that Day, and on ſo many Days next ſucceeding thereto as ſhall be neceſſary for the Purpoſe, canvaſs and eſtimate the Votes for Members of Aſſembly for the ſame County, and do, execute and perform all and every Thing and Things in and about the Premiſes, in the ſame Manner as the Superviſors of the ſame County, or the major Part of them, might or ought to have done.

If the Number of Ballots exceed that of the Electors, the Exceſs to be deſtroyed.

XVI. *And be it further Enacted by the Authority aforeſaid*, That if the Number of Ballots for Members of Aſſembly in any Incloſure, ſhall exceed the Number of Electors mentioned on the Poll-Liſts contained in the ſame Incloſure, then the ſaid Superviſors, or other Perſons appointed to canvaſs ſuch Ballots, ſhall proceed to draw out and deſtroy unopened, ſo many of the ſaid Ballots as ſhall amount to the Exceſs, and ſhall proceed to canvaſs and eſtimate the Reſidue; and if two or more Ballots or Tickets ſhall be found folded or rolled up together, none of the Ballots ſo folded or rolled up together, ſhall be eſtimated.

XVII. *And*

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XVII. *And be it further Enacted by the Authority aforesaid*, That when a Majority of the said Mayor, Recorder and Aldermen of the City of *New-York*, or a Majority of the Supervisors of any County, or the major Part of the Judges and Assistant Justices of the Court of Common Pleas of any County, shall meet as aforesaid, for the Purpose of canvassing and estimating the Votes for Members of Assembly as aforesaid, such Majority shall be, and hereby are authorised, empowered and required to proceed to such Canvass and Estimate; and all Questions which shall arise upon such Canvass and Estimate, or upon any of the Proceedings therein, shall be determined according to the Opinion of the major Part of the Persons so met, and their Judgment and Determination shall, in all Cases, be binding and conclusive.

A Majority of the Supervisors empowered to proceed.

XVIII. *And be it further Enacted by the Authority aforesaid*, That the Members of Assembly so elected, shall respectively give their Attendance, and take their respective Seats in Assembly, on the first Monday of *July*, in every Year, or at the next Meeting of the Legislature thereafter.

Persons elected for Members of Assembly when to take their Seats.

XIX. *And be it further Enacted by the Authority aforesaid*, That the Mayor, Recorder and Aldermen of the City of *New-York*, or such of them as shall make such Canvass and Estimate as aforesaid, and the Supervisors and Judges, and Assistant Justices of the Court of Common Pleas of each of the other Counties of this State, or such of them as shall make such Canvass and Estimate as aforesaid, shall, before they proceed to open any of the Inclosures containing the Ballots for Members of Assembly, severally take and subscribe the following Oath, *to wit*:

Canvassers to take an Oath.

Form of Oath.

I —— ——, *Mayor or Recorder, or one of the Aldermen of the City of* New-York, *or Supervisor of* ——, *in the County of* ——, *or one of the Judges, or one of the Assistant Justices of the Court of Common Pleas in the County of* ——, *do solemnly and sincerely declare and swear, in the Presence of Almighty God, That I will faithfully, honestly and impartially, canvass and estimate the Votes for Members of Assembly for the City and County of* New-York, (*or for the County of* ——,) *contained in the Inclosures delivered into the Office of the Clerk of the same City (or County) and that I will publish and declare the Persons who have the greatest Number of Votes for Members of Assembly, to be severally elected to the said Office respectively; and that if I shall discover any of the other Persons who shall attend with me for the Purpose aforesaid, conducting or demeaning himself or themselves partially, unduly or corruptly in the Premises, that I will divulge or discover the same, to the End that the Person so offending, may be brought to Justice.*

Oath to be recorded.

WHICH Oath shall be taken by the said Mayor, Recorder and Aldermen of the City of *New-York*, before the Clerk of the same City, or either of the Justices of the Supreme Court, or a Master in Chancery, and shall be entered of Record by the Clerk of the same City, in the same Book where the Certificate of their Determination is to be entered as aforesaid; and the said Oath shall be taken by the Supervisors or Judges, and Assistant Justices of the Court of Common Pleas, in each of the other Counties respectively, before the Clerk, or any Justice of the Peace of the same County, and shall be entered of Record by the Clerk of the same County, in the same Book where the Certificate of their Determination is to be entered as aforesaid.

Penalty on Canvassers for Mal-Conduct.

XX. *And be it further Enacted by the Authority aforesaid*, That if any or either of the said joint Committee, or the Chancellor, or any or either of the Justices of the Supreme Court, or the Mayor, or Recorder, or any or either of the Aldermen of the City of *New-York*, or any or either of the Supervisors, or Judges, or Assistant Justices of the Court of Common Pleas in any County, or any Inspector, shall be guilty of any partial, or corrupt,

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or undue Conduct or Behaviour in the Buſineſs by this Act committed to them, and be thereof convicted, he and they, and every of them ſo convicted, ſhall ſuffer the ſame Pains and Penalties, as in Caſes of wilful and corrupt Perjury; and ſhall, from and after ſuch Conviction, be utterly diſabled and diſqualified to hold or enjoy any Place or Office in this State; any Pardon that may be iſſued by the Perſon adminiſtring the Government of this State to the Contrary hereof in any wiſe notwithſtanding.

Penalty for Neglect of Duty.

XXI. *And be it further Enacted by the Authority aforeſaid*, That if any or either of the ſaid joint Committee, or the Chancellor, or any or either of the Juſtices of the Supreme Court, or the Mayor, or Recorder, or any or either of the Aldermen of the City of *New-York*, or any or either of the Superviſors, or Judges, or Aſſiſtant Juſtices of the Court of Common Pleas in any County, or any Inſpector, Sheriff, or Clerk, ſhall willfully neglect to perform the Duties reſpectively required of them by this Act, or ſhall be guilty of any corrupt Miſbehaviour, in any Matter or Thing in or relating to the Buſineſs committed to them reſpectively by this Act, and be thereof convicted, he, they and every of them ſo offending and convicted, ſhall forfeit and pay, for every ſuch Offence, the Sum of *Two Hundred Pounds*, to be recovered by Action of Debt, Bill, Plaint or Information, in any Court of Record; the one Moiety thereof to the Uſe of any Perſon who ſhall proſecute for the ſame, and the other Moiety thereof to the Uſe of the People of this State. And if the Proſecutor in any ſuch Suit ſhall prevail, he ſhall likewiſe have Judgment for and recover his Coſts of Suit againſt the Perſon convicted. But if the Perſon ſo proceeded againſt, ſhall be acquitted, he ſhall recover double Coſts againſt the Proſecutor; and no Proceſs ſhall iſſue to bring in the Party accuſed, until Bond be filed in the Office of the Clerk of the Court out of which ſuch Proceſs ſhall iſſue, in the Penalty of *Two Hundred Pounds*, with two ſufficient Freeholders as Sureties, ſuch as the Court ſhall approve, to ſecure the Defendant double Coſts, to become due on a Diſcontinuance, withdrawing of the Suit, or an Acquittal, or Neglect to bring the ſame to Trial within five Terms after the Appearance of the Defendant to anſwer the ſame.

How to be recovered and applied.

Inſpectors empowered to impriſon Perſons for diſorderly Conduct.

XXII. *And be it further Enacted by the Authority aforeſaid*, That if any Perſon ſhall be guilty of any diſorderly Conduct at any ſuch Election for Governor, Lieutenant-Governor, Senators and Members of Aſſembly, or any of them, or of uſing any indirect, ſiniſter or corrupt Means to influence any Elector or Electors, in giving in his or their Ballots, the major Part of the Inſpectors at ſuch Election are hereby authoriſed, empowered and required to commit the Offender to the Gaol of the County, there to remain committed, for a Space not exceeding *thirty Days*; and all Sheriffs, Under-Sheriffs, Conſtables and Gaolers, are hereby ſtrictly charged, commanded and required to aid and obey the Inſpectors herein.

Perſons guilty of Bribery or Corruption to forfeit 500l.

XXIII. *And be it further Enacted by the Authority aforeſaid*, That whoever ſhall, by Bribery, Menace, or other corrupt Means or Device whatſoever, either directly or indirectly, attempt to influence any free Elector of this State, in giving his Vote or Ballot, or deter him from giving the ſame, at any Election within this State, and ſhall thereof be convicted, ſuch Perſon ſo offending and convicted, ſhall forfeit and pay, for every ſuch Offence, the Sum of *Five Hundred Pounds*, to be ſued for and recovered by any Perſon, and in the Manner, and under the Reſtrictions above preſcribed, in Actions to be brought for Neglect of Duty, or corrupt Miſbehaviour; one Moiety of which Penalty ſhall be recovered to the Uſe of the Perſon ſuing and proſecuting for the ſame, and the other Moiety thereof to the Uſe of the People of this State: And on ſuch Conviction, the Perſon convicted ſhall thenceforth,

Penalty how to be recovered & applied.

and

and forever thereafter, ſtand and be utterly diſabled, diſqualified and incapacitated to hold, exerciſe or enjoy any Office, or Place of Truſt or Profit whatſoever, within this State.

What Perſons not qualified to vote.

XXIV. *And be it further Enacted by the Authority aforeſaid*, That no Perſon under the Age of *Twenty-one Years*, nor any Perſon not a Citizen of this State, or of one of the United States, ſhall have a Right to Vote at any Election in this State.

Mortgagors or Mortgagees in Poſſeſſion, entitled to vote.

XXV. *And be it further Enacted by the Authority aforeſaid*, That every Mortgagor, while he continues in the Occupation of the Premiſes mortgaged, and every Mortgagee of a real Eſtate, to him and his Heirs, after he obtains Poſſeſſion of the mortgaged Premiſes, and every Perſon poſſeſſed of a Freehold in Right of his Wife, ſhall be deemed and eſteemed a Freeholder within the Meaning of this Act.

What Perſons diſqualified to hold any Office of Truſt or Profit.

XXVI. *And be it further Enacted by the Authority aforeſaid*, That all and every Perſon and Perſons, Inhabitant and Inhabitants of this State, who at any Time after the ninth Day of *July*, in the Year of our Lord One Thouſand Seven Hundred and Seventy-ſix, and during the late War between the King of *Great-Britain* and the United States of *America*, did voluntarily take up Arms with the *Britiſh* Troops, or with the Indians then at War with this State, or any of the United States; and every Perſon or Perſons who did, within the Time aforeſaid, voluntarily take any Commiſſion or Appointment in the Army or Navy of the King of *Great-Britain*, and every Perſon and Perſons who ſhall have acted as Captain, Lieutenant or Maſter of any Privateer or Privateers, or Veſſels of War, to cruiſe againſt or commit Hoſtilities upon the Veſſels, Property or Perſons of any of the Citizens of this State, or any other of the United States, ſhall be, and hereby is and are declared to be, utterly diſabled, diſqualified and incapacitated to hold, exerciſe or enjoy a Seat in either Houſe of the Legiſlature, or any Office or Place of Truſt, Honor or Profit whatſoever, within this State. *Provided always*, That nothing in this Act contained, ſhall be conſtrued to diſqualify Perſons who have not been commiſſioned or employed otherwiſe than as Officers of the Militia, or in doing Militia Duty during the Time aforeſaid. *And Provided further*, That nothing in this Act contained, ſhall be conſtrued to diſqualify any Perſon who has been naturalized ſince the ſaid ninth Day of *July*, One Thouſand Seven Hundred and Seventy-ſix.

Not to extend to the Militia.

Nor to Perſons naturalized after 9th *July*, 1776.

Former Laws repealed.
† *1ſt Seſſ. Ch.* 16.
‡ *4th Seſſ. Ch.* 36.
‖ *7th Seſſ. Ch.* 66.

XXVII. *And be it further Enacted by the Authority aforeſaid*, That the Act, entitled, † *An* Act *to regulate Elections within this State;* and the ſecond Section of the Act, entitled, ‡ *An* Act *for the better ſecuring the Independence of this State, and to that End requiring all public Officers and Electors within this State, to take the Teſt Oath therein contained;* and the ſecond Section of the Act, entitled, ‖ *An* Act *to preſerve the Freedom and Independence of this State, and for other Purpoſes therein mentioned;* and all Laws heretofore made in this State, while the ſame was the Colony of *New-York*, relating to the Election of Repreſentatives to ſit in General Aſſembly, ſhall be, and hereby are repealed.

CHAP. XVI.

An ACT *for the more orderly holding of Town-Meetings.*

Paſſed 14th February, 1787.

Juſtices to attend and preſide at Town-Meetings.

I. BE *it Enacted by the People of the State of* New-York, *repreſented in Senate and Aſſembly, and it is hereby Enacted by the Authority of the ſame*, That for the more orderly holding of Town-Meetings, it ſhall be, and is hereby made the Duty of the Juſtices of the Peace, for the Time being, to attend at

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at every Town, Precinct and Diſtrict Meeting, hereafter to be held in and for the Town, Precinct or Diſtrict in which they reſpectively reſide; and that the ſaid Juſtices of the Peace, or ſuch of them as ſhall attend at ſuch Meeting, ſhall preſide at and ſuperintend the ſame, and take Care that the Buſineſs thereof be orderly and regularly conducted; and ſhall, in Caſe of Diſpute, determine who have and who have not a Right to vote or be elected at ſuch Meeting according to Law. And if no Juſtice of the Peace ſhall reſide in the Town, Precinct or Diſtrict, at the Time of holding ſuch Meeting, then the Clerk of the Town, Precinct or Diſtrict, who was elected at the laſt preceding Meeting, ſhall preſide at ſuch Meeting, and have and exerciſe all the Powers and Authorities hereby veſted in the Juſtices.

Where there is no reſident Juſtice, Town-Clerk to preſide.

Qualifications of Voters.

II. *And be it further Enacted by the Authority aforeſaid*, That every Male Perſon, being a Citizen of this State, who ſhall be above the Age of Twenty-one Years, and ſhall have reſided in any Town, Precinct or Diſtrict, *ſix Months* next preceding ſuch Town, Precinct or Diſtrict Meeting, and paid Taxes within the ſame, or ſhall be poſſeſſed of a Freehold, or ſhall have rented a Tenement of the yearly Value of *Forty Shillings*, for the Term of one Year, within the ſame, ſhall have a Right to Vote at ſuch Meeting, and no other Perſon.

Time, Place and Continuance of Town-Meetings.

III. *And be it further Enacted by the Authority aforeſaid*, That the firſt Tueſday in *April*, in every Year hereafter, ſhall be the anniverſary Day of holding Town-Meetings in the ſeveral Towns, Precincts and Diſtricts, in the ſeveral Counties of this State; and that no ſuch Town-Meetings ſhall be held longer than *two Days*, and ſhall only be held open between Sun-riſe and Sun-ſet; any Law, Uſage or Cuſtom to the Contrary notwithſtanding.

CHAP. XVII.

Obſolete.

An ACT *authorizing the Sheriff of* Queen's *County, to remove his Priſoners from the Gaol in the City and County of* New-York; *and the Sheriff of* Dutcheſs *County to remove his Priſoners from the Gaol in* Ulſter *County.*

Paſſed 14th February, 1787.

CHAP. XVIII.

An ACT *concerning Coroners.*

Paſſed 14th February, 1787.

Coroners to be appointed.

I. BE *it Enacted by the People of the State of* New-York, *repreſented in Senate and Aſſembly, and it is hereby Enacted by the Authority of the ſame*, That in every County of this State, ſufficient Men ſhall be appointed to be Coroners, of the moſt wiſe and diſcreet Men of the ſame County, who know, will, and may beſt attend upon ſuch Offices. *And further*, That every Coroner upon Notice, or being certified by the People of the County, ſhall go to the Places where any be ſlain, or ſuddenly dead, or wounded, or where Houſes are broken open, or where Treaſure is ſaid to be found, and ſhall forthwith command *Twenty-four* good and lawful Men of the ſame County, to appear before him, at ſuch Place in the ſame County as he may find moſt proper and convenient, and ſhall appoint; and when they, or any *twelve* or more of them, ſhall appear, the Coroner ſhall, upon their Oath, and upon View of the Body, when any is ſlain, or ſuddenly dead, inquire by what Means and in what Manner the Perſon ſo dead came to his or her Death, and whether the Perſon ſo dead be known or a Stranger, and where he or ſhe lay the Night before; and if ſuch Perſon was ſlain, where and when the ſame Perſon

Their Duty.

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was ſlain, and whether it was in any Houſe, Field, Bed, Tavern, or Company, and who were there, if any, and who were guilty, and in what Manner, either of the Act, or as Acceſſary, and who were preſent, either Men or Women, of what Age ſoever they be, if they can ſpeak, or have Diſcretion; and ſuch as ſhall be found guilty by Inquiſition, in any of the Manners aforeſaid, ſhall be taken and delivered to the Sheriff, and ſhall be committed to the Gaol; and if any Perſon ſhall be found dead in the Fields or in the Woods, it ſhall be inquired, whether he or ſhe was ſlain there or not; and if the Body ſo found, were brought and laid there, they ſhall do ſo much as they can to follow the Steps of thoſe who brought the Body thither: And if any Perſon be found guilty of Murder, the Coroner ſhall immediately go unto his Houſe, and ſhall inquire how much Land he hath, and what it is worth yearly, and what Corn he hath upon the Ground, and what Goods and Chattels he hath, and ſhall value the ſame Lands, Goods and Chattels, as if they ſhould be immediately ſold; and thereupon the Coroner ſhall ſeize and be anſwerable for the ſame. And immediately after ſuch Inquiry ſhall be made, the Bodies of ſuch Perſons being ſlain or ſuddenly dead, ſhall be buried. And in like Manner it is to be inquired of Perſons that be drowned or ſuddenly dead, when their Bodies be found, whether they were ſo drowned, or ſlain, or ſtrangled, or killed by any other, and what Hurt found upon their Bodies; whereupon the Coroner and Jury ſhall proceed in Manner aforeſaid. And in like Manner it is to be inquired of them that die in Priſon, or be killed by Misfortune. And the Coroner ought alſo to inquire of Treaſure that is found; who were the Finders, and likewiſe who is ſuſpected thereof; and ſuch as be ſo found may be attached by the Coroner, and bound, with at leaſt two Sureties, to appear before the Juſtices of the next Gaol Delivery in the ſame County, to anſwer the Premiſes. *And moreover*, If any be appealed of Rape, they ſhall be taken and delivered to the Sheriff, and be committed to the Gaol, if the Appeal be freſh, and there be apparent Sign of Truth, by Effuſion of Blood, or an open cry made; but if there was no cry, nor any manifeſt Sign or Token of the Truth of the Appeal, the Defendant ſhall be bound, with two or more ſufficient Sureties, to appear before the Juſtices of the next Gaol Delivery in the ſame County, to anſwer the Premiſes. And upon Appeals of Wounds, and ſuch like, eſpecially if the Wounds be mortal, the Parties appealed ſhall be taken and delivered to the Sheriff, and ſhall be committed to the Gaol, and kept until it be perfectly known whether the Perſon hurt ſhall recover or not; and if the Perſon hurt, die, the Defendant ſhall be kept; but if the Perſon recover, the Defendant may be let to Mainprize, by one of the Juſtices of the Supreme Court, but by none other: And if the Wounds be not mortal, or if the Appeal be for a Maim, the Defendant ſhall be bound with two or more Sureties, to appear before the Juſtices of the next Gaol Delivery in the ſame County, to anſwer the Premiſes. And alſo, all Wounds ought to be viewed, the Length, Breadth and Depth, and how many Wounds there be, and with what Weapons they were made, and in what Part of the Body the Wound or Hurt is, and who are guilty, and if there be many Wounds, who gave each particular Wound. And if any be appealed of any Act done as Principal, they that be appealed as Acceſſary, ſhall alſo be taken, and ſafely kept in Gaol, until the Principals be attainted or delivered. And if any be ſuſpected of the Death of any Perſon, or of doing any Hurt to any Perſon, ſo as to endanger Life, ſuch Perſon ſo ſuſpected, ſhall be taken and impriſoned as aforeſaid; all which Things muſt be enrolled in the Roll of the Coroners. *And moreover*, HUE AND CRY ſhall be levied for all Murders and Burglaries, and for Men ſlain, or in Peril to be ſlain; and all Perſons ſhall follow the *Hue and Cry*, and purſue the Offenders as near as can be; and he that doth not, and is convict thereupon, by the Record of the Coroner, ſhall be attached to be before the Juſtices of the

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next Gaol Delivery in the ſame County, to anſwer the Premiſes. *And further*, That all Coroners ſhall deliver their Inquiſitions and Rolls, before the Juſtices of the next Gaol Delivery, in their reſpective Counties; and the ſame Juſtices ſhall proceed thereupon againſt the Offenders, if they be in Gaol, and if not, the ſame Juſtices ſhall deliver the ſame Inquiſitions and Rolls into the Supreme Court, there to be proceeded upon according to Law.

Coroners Inquiſitions, how diſpoſed of.

II. *And be it further Enacted by the Authority aforeſaid*, That every Coroner, upon any Inquiſition before him found, whereby any Perſon or Perſons ſhall be indicted of Murder or Manſlaughter, or as Acceſſary or Acceſſaries to the ſame, before the Murder or Manſlaughter committed, ſhall put in Writing the Effect of the Evidence given to the Jury before him, being material; and every ſuch Coroner is hereby authoriſed and required to bind all ſuch by Recognizance, as do declare any Thing material, to prove the ſaid Murder or Manſlaughter, or to prove any Perſon or Perſons to be Acceſſary or Acceſſaries to the ſame, to appear at the next Gaol Delivery to be holden within the County or City where the Trial thereof ſhall be, then and there to give Evidence againſt the Party ſo indicted, at the Time of his or her Trial; and ſhall certify, as well the ſame Evidence, as ſuch Recognizance and Recognizances, in Writing, as he ſhall take, together with the Inquiſition or Indictment before him taken and found, to the ſame Court, at or before the Time of the Trial of the Party ſo indicted. And in Caſe any Coroner ſhall be remiſs, and do not take Inquiſition as aforeſaid, or do not certify as is before ordained, or ſhall offend in any Thing contrary to the true Intent and Meaning of this Act, the Juſtices of Gaol Delivery of the County or City where ſuch Offence ſhall be committed, upon due Proof thereof, by Examination before them, ſhall, for every ſuch Offence, ſet ſuch Fine upon every of the ſame Coroners, as the ſame Juſtices of Gaol Delivery ſhall think meet, and eſtreat the ſame as other Fines and Amerciaments aſſeſſed before Juſtices of Gaol Delivery, ought to be eſtreated.

Their Duty in Caſes of Murder or Manſlaughter.

Delinquency how puniſhed.

III. *And be it further Enacted by the Authority aforeſaid*, That any Return made and ſigned by any one of the Coroners for the Time being, in any of the Counties of this State, to any future Proceſs, except Proceſs for ſummoning Juries, which ſhall iſſue from and out of any Court of Record in this State, directed to the Coroners of the ſaid Counties reſpectively, ſhall, and is hereby declared to be as good and valid in Law, to all Intents, Conſtructions and Purpoſes, as if ſuch Return was made and ſigned by all the Coroners of the ſaid Counties reſpectively; but the Act or Return of any one or more of the Coroners, ſhall in no Degree prejudice the Reſt.

In what Caſes the Return of one Coroner ſhall be ſufficient.

Such Return not to prejudice the Reſt.

CHAP. XIX.

An ACT *concerning Executors and Adminiſtrators.*

Paſſed 14th February, 1787.

I. BE *it Enacted by the People of the State of* New-York, *repreſented in Senate and Aſſembly, and it is hereby Enacted by the Authority of the ſame*, That from henceforth, Executors ſhall have a Writ of Account, and the ſame Action and Proceſs in the ſame Writ, as the Teſtator might have had, if he had lived.

Executors may have Action of Account,

II. *And be it further Enacted by the Authority aforeſaid*, That Executors ſhall and may have an Action for a Treſpaſs done to their Teſtator, as of the Goods and Chattels of the ſame Teſtator, carried away in his Life-Time, againſt the Treſpaſſers, and recover their Damages in like Manner as the Perſon whoſe Executors they be, ſhould have had, if he or ſhe were in Life.

And Actions for taking away the Goods of the Teſtator;

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And where any Teſtator or Inteſtate ſhall, in his Life-Time, have taken or carried away, or converted to his or her Uſe, the Goods or Chattels of any Perſon or Perſons, ſuch Perſon or Perſons, his or her Executors or Adminiſtrators, ſhall have and maintain the ſame Action againſt the Executors or Adminiſtrators of ſuch Teſtator or Inteſtate, as he, ſhe or they might have had or maintained againſt ſuch Teſtator or Inteſtate, and ſhall have the like Remedy and Proceſs for the Damages recovered in ſuch Action, as are now had and allowed in other Actions againſt Executors or Adminiſtrators.

And liable to Actions for Goods taken away by their Teſtator.

III. *And be it further Enacted by the Authority aforeſaid*, That in Actions againſt divers Executors, all the ſame Executors ſhall be conſidered as one Perſon, repreſenting the Perſon of the Teſtator; and although the Sheriff anſwer at the Summons, that ſome of them have nothing, whereby he, ſhe or they may be ſummoned, yet there ſhall be an Attachment awarded upon him, her or them; and if the Sheriff anſwer, that he, ſhe or they have nothing whereby he, ſhe or they may be attached, the great Diſtreſs ſhall be awarded, and he, ſhe or they, that do firſt appear in the Court, ſhall anſwer to the Plaintiff; and in Caſe Judgment ſhall paſs for the Plaintiff, he or ſhe ſhall have his or her Judgment and Execution againſt him, her or them, that have appeared, according to the Law heretofore uſed, and againſt all others named in the Writ, of the Goods of the Teſtator, as well as if they had all appeared. *But* it is to be underſtood, That if any, in ſuch Caſe, will ſue according to the Law that hath been anciently uſed, he or ſhe may freely do it, notwithſtanding this Statute.

In Actions againſt divers Executors, they to be conſidered as one Perſon;

And in Suits againſt them, the firſt who appears ſhall anſwer.

IV. *And be it further Enacted by the Authority aforeſaid*, That Executors of Executors ſhall have Actions of Debt, Account, and of Goods carried away of the firſt Teſtator, and Execution of Judgments obtained by, or Recognizances made to the firſt Teſtator, in any Court of Record, in the ſame Manner as the firſt Teſtator ſhould have had if he were in Life, as well of Actions of the Time paſt, as of the Time to come: And that the ſame Executors of Executors ſhall anſwer to others, of as much as they have recovered of the Goods of the firſt Teſtator, as the firſt Executors ſhould do if they were in full Life.

Executors of Executors to have Actions for Debts, &c. of the firſt Teſtator;

And be anſwerable to others.

V. *And be it further Enacted by the Authority aforeſaid*, That where any Perſon dieth inteſtate, the Widow, or next of Kin, or any of them, of the deceaſed Perſon, if they, or either of them, will accept the ſame; and if not, ſome other proper Perſon or Perſons ſhall be deputed to adminiſter the Goods of the Inteſtate; and that ſuch Adminiſtrators ſhall have Actions to demand and recover as Executors, the Debts due to the ſaid Perſon inteſtate, and ſhall anſwer to others to whom the Inteſtate was holden and bound, in the ſame Manner as Executors ſhall anſwer, and ſhall be accountable as Executors be, in Caſe of Teſtament, as well of the Time paſt as the Time to come.

Who are entitled to be Adminiſtrators of inteſtate Eſtates;

And to recover and be anſwerable as Executors.

VI. *And be it further Enacted by the Authority aforeſaid*, That a Writ of *Idemptitate Nominis*, ſhall and may be granted and made good and maintainable for the Executors of every Teſtator, and the Adminiſtrators of every Perſon dying inteſtate, to the ſame Effect, as the ſame Action of *Idemptitate Nominis* would have been maintainable for the Teſtator or Inteſtate, if ſuch Teſtator or Inteſtate were in Life, and were or might have been moleſted or grieved, becauſe or by Colour of any Outlawry of any Perſon having ſuch and the like Names, as the ſame Teſtator or Inteſtate had.

Executors and Adminiſtrators may have a Writ of *Idemptitate Nominis*.

VII. *And for as much* as it is ſometimes practiſed to the defrauding of Creditors, that ſuch Perſons as are to have the Adminiſtration of the Goods of

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of others dying inteſtate, committed unto them, if they require it, will not accept the ſame, but ſuffer or procure the Adminiſtration to be granted to ſome other of mean Eſtate, from whom themſelves, or others by their Means, do take Deeds of Gifts, and Authorities by Letters of Attorney, whereby they obtain the Eſtate of the Inteſtate into their Hands, and yet ſtand not ſubject to pay any Debts owing by the ſame Inteſtate, and ſo the Creditors, for Want of Knowledge of the Place of Habitation of the Adminiſtrator, cannot arreſt or ſue him or her; and if they happen to find him or her out, yet, for Want of Ability in him or her to ſatisfy, of his or her own Goods, the Value of that he or ſhe hath conveyed away or waſted, of the Inteſtate's Goods, or releaſed of his or her Debts, the Creditors cannot have or recover their juſt Debts: Therefore, *Be it further Enacted by the Authority aforeſaid*, That every Perſon and Perſons who ſhall obtain, receive and have, any Goods or Debts of any Perſon dying inteſtate, or a Releaſe or other Diſcharge of any Debt or Duty that belonged to the Inteſtate, upon any Fraud as is aforeſaid, or without ſuch valuable Conſideration as ſhall amount to the Value of the ſame Goods or Debts, or near thereabouts, (except it be in, or towards Satisfaction of ſome juſt and principal Debt, of the Value of the ſame Goods or Debts to him or her owing by the Inteſtate, at the Time of his or her Deceaſe) ſhall be charged and chargeable as Executor of his or her own Wrong, and ſo far only as all ſuch Goods and Debts coming to his or her Hands, or whereof he or ſhe is releaſed or diſcharged by ſuch Adminiſtrator, will ſatisfy; deducting nevertheleſs, to and for himſelf, Allowance of all juſt Due and principal Debts upon good Conſideration, without Fraud, owing to him or her by the Inteſtate, at the Time of his or her Deceaſe, and of all other Payments made by him or her, which lawful Executors or Adminiſtrators may and ought to have and pay by the Laws of this State.

Where Perſons ſhall be conſidered as Executors of their own Wrong.

Adminiſtrator *de Bonis non*, may have a *Scire Facias*.

VIII. *And be it further Enacted by the Authority aforeſaid*, That where any Judgment hath been, or ſhall be had by or in the Name of any Executor or Adminiſtrator; in every ſuch Caſe, an Adminiſtrator *de Bonis non*, may ſue forth a *Scire Facias*, and have and take Execution upon ſuch Judgment.

Executors, and Adminiſtrators of Executors or Adminiſtrators, liable for Waſte.

IX. *And be it further Enacted by the Authority aforeſaid*, That all and every the Executors and Adminiſtrators of any Perſon or Perſons, who, as Executor or Executors, either of Right, or in his, her or their own Wrong, or as Adminiſtrator or Adminiſtrators, hath or have waſted or converted, or hereafter ſhall waſte or convert any Goods, Chattels, Eſtate or Aſſets of any Perſon deceaſed, to his, her or their own Uſe, ſhall be liable and chargeable, in the ſame Manner as his, her or their Teſtator or Inteſtate would have been, if living.

Executors of Guardians, &c. liable to Actions of Account.

X. *And be it further Enacted by the Authority aforeſaid*, That Actions of Account ſhall and may be brought and maintained againſt the Executors or Adminiſtrators of every Guardian, Bailiff, and Receiver.

Inventories by whom and how to be taken,

XI. *And be it further Enacted by the Authority aforeſaid*, That the Executor and Executors named by the Teſtator, or Perſon deceaſed, or ſuch other Perſon or Perſons to whom Adminiſtration hath been or ſhall be committed, where any Perſon hath died, or ſhall die inteſtate, or by Way of Inteſtate, calling or taking to him, her or them, ſuch Perſon or Perſons, two at the leaſt, to whom the ſaid Perſon ſo dying was indebted, or made any Legacy; and upon their Refuſal or Abſence, two other honeſt Perſons, being next of Kin to the Perſon ſo dying; and in their Default or Abſence, two other honeſt Perſons; and in their Preſence, and by their Diſcretion, ſhall make, or cauſe to be made, a true and perfect Inventory of all the Goods, Chattels, Wares

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Wares and Merchandize, as well moveable as not moveable, whatſoever, that were of the Perſon ſo deceaſed, and the ſame ſhall cauſe to be indented, whereof the one Part ſhall be, by the ſaid Executor or Executors, Adminiſtrator or Adminiſtrators, preſented and delivered to the Judge of the Court of Probates, or to the Surrogate in whoſe Office the Teſtament of ſuch Perſon ſo dying was proved, or Adminiſtration committed, upon the Oath or Oaths of ſuch Executor or Executors, Adminiſtrator or Adminiſtrators, to be taken before the ſaid Judge or Surrogate, that the ſame Inventory is juſt and true; and the other Part of the ſame Inventory ſhall remain with the ſaid Executor or Executors, Adminiſtrator or Adminiſtrators.

And diſpoſed of.

CHAP. XX.

An ACT *for the better apprehending of Felons.*

Paſſed 14th February, 1787.

BE *it Enacted by the People of the State of* New-York, *repreſented in Senate and Aſſembly, and it is hereby Enacted by the Authority of the ſame,* That when any Murder, Robbery, Burglary, burning of Houſes, Theft, or other Felony, ſhall be committed, Cries thereof ſhall be ſolemnly made immediately in all the Towns, Markets and Places of public Reſort, near where the ſame Felony ſhall be committed, ſo that no Man, by Ignorance, may excuſe himſelf; and that freſh Purſuit after ſuch Robbers and Felons, ſhall be forthwith made from Town to Town, and from County to County, by Horſemen and Footmen, to apprehend and arreſt the ſame Robbers and Felons. *And further,* That all Men generally be ready, and armed and accoutred, at the Commandment and Summons of Sheriffs, Coroners, Bailiffs, Conſtables and Marſhals; and at the Cry of the Country, to purſue and arreſt Felons whenever there ſhall be Occaſion, as well within Franchiſe as without; and they who will not do ſo, and be thereof convicted, either in the Supreme Court, or before Juſtices authoriſed or aſſigned to hear and determine, or before the Juſtices of the Peace, at their General Seſſions, in and for the City or County where ſuch Neglect ſhall happen, ſhall be puniſhed by Fine, according to the Diſcretion of the Juſtices of the ſame Court. And if any Sheriff, Coroner, Bailiff, Conſtable or Marſhal, within any Franchiſe, or without, for Reward, or for Prayer, or for Fear, or for any Manner of Affinity, or for any other Cauſe, ſhall conceal, or conſent or procure to be concealed, any Felony whatſoever, or will not attach or arreſt ſuch Felons when he may, or otherwiſe will not do his Office, for Favour to ſuch Miſdoers, or for any other Cauſe, and be thereof convicted, in any ſuch Court as aforeſaid; he and they, and every of them ſo offending, ſhall be puniſhed by Fine and Impriſonment, according to the Diſcretion of the Juſtices of the ſame Court.

Hue and Cry how to be raiſed in Caſes of Felony,

And how purſued.

Penalty for Neglect.

Delinquent Sheriffs and other Officers, how to be puniſhed.

CHAP. XXI.

An ACT *for the Puniſhment of the Vice of Buggery.*

Paſſed 14th February, 1787.

BE *it Enacted by the People of the State of* New-York, *repreſented in Senate and Aſſembly, and it is hereby Enacted by the Authority of the ſame,* That the deteſtable and abominable Vice of Buggery, committed with Mankind or Beaſt, ſhall be from henceforth adjudged Felony; and ſuch Order and Form of Proceſs therein, ſhall be uſed againſt the Offenders, as in Caſes of Felony at the common Law; and that every Perſon being thereof convicted, by Verdict, Confeſſion or Outlawry, ſhall be hanged by the Neck, until he or ſhe ſhall be dead.

Buggery to be puniſhed with Death.

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CHAP. XXII.

An ACT *concerning Murder.*

Paſſed 14th February, 1787.

I. BE *it Enacted by the People of the State of* New-York, *repreſented in Senate and Aſſembly, and it is hereby Enacted by the Authority of the ſame,* That all wilful killing by poiſoning of any Perſon or Perſons, done, perpetrated or committed, or that at any Time hereafter ſhall be done, perpetrated or committed, ſhall be adjudged, taken and deemed wilful Murder of Malice prepenſe; and the Offenders therein, their Aiders, Abettors, Procurers and Counſellors, ſhall ſuffer Death, and forfeit, in every Behalf, as in other Caſes of wilful Murder of Malice prepenſe.

Poiſoning declared to be Murder,

And to be puniſhed with Death.

II. *And be it further Enacted by the Authority aforeſaid,* That if any Perſon or Perſons ſhall ſtab or thruſt any Perſon or Perſons, that hath not then any Weapon drawn, or that hath not then firſt ſtricken the Party who ſhall ſo ſtab or thruſt, ſo as the Perſon or Perſons ſo ſtabbed or thruſt, ſhall thereof die within the Space of ſix Months then next following, although it cannot be proved that the ſame was done of Malice aforethought, every ſuch unlawful killing ſhall be adjudged, taken and deemed, wilful Murder: And the Offenders therein, their Aiders, Abettors, Procurers and Counſellors, ſhall ſuffer Death, and forfeit, in every Behalf, as in other Caſes of wilful Murder of Malice prepenſe. But this ſhall not extend to any Perſon or Perſons who ſhall kill any Perſon or Perſons in his, her or their own Defence, or by Misfortune, or in any other Manner than as aforeſaid; nor to any Perſon or Perſons who, in keeping and preſerving the Peace, ſhall chance to kill any Perſon or Perſons, ſo as ſuch killing be not done wittingly, willingly, and of Purpoſe, under Pretext and Colour of keeping the Peace; nor to any Perſon or Perſons, who, in chaſtiſing or correcting his, her or their Child, or Servant, ſhall, contrary to his, her or their Intent and Purpoſe, chance to kill ſuch Child or Servant.

Stabbing declared to be Murder.

Not to extend to any Perſon killing another in his own Defence, or by Misfortune.

III. *And be it further Enacted by the Authority aforeſaid,* That when a Servant killeth his Maſter, or a Wife her Huſband, of Malice prepenſe, ſuch Offences ſhall be deemed and adjudged to be, and ſhall be puniſhed as Murder.

A Servant killing his Maſter, or a Wife her Huſband, declared Murder.

IV. *And be it further Enacted by the Authority aforeſaid,* That if any evil-diſpoſed Perſon or Perſons ſhall attempt felonioufly to rob or murder any Perſon or Perſons, in or nigh any Highway, or in his or their Manſion-Houſe or Dwelling-Place, or ſhall felonioufly attempt to break any Dwelling-Houſe in the Night, and ſhall happen, in his or their being in ſuch their felonious Attempt, to be ſlain by him, her or them, whom the ſaid Evil-Doers ſhall ſo attempt to rob or murder, or by any Perſon or Perſons being in the Dwelling-Houſe, which the ſame Evil-Doers ſhall attempt burglarioufly to break by Night; then, and in every ſuch Caſe, if the Perſon or Perſons ſo happening to kill any ſuch Perſon or Perſons, ſo attempting to commit any ſuch Murder, Robbery or Burglary, ſhall be indicted or appealed of or for the Death of ſuch evil-diſpoſed Perſon or Perſons, ſo attempting to commit Murder, Robbery or Burglary, as aforeſaid, if it be found by Verdict, that the Party ſo indicted or appealed, killed ſuch evil-diſpoſed Perſon or Perſons in ſuch felonious Attempt, the Party ſo indicted or appealed, ſhall not forfeit or loſe any Thing for the Death of ſuch evil-diſpoſed Perſon, in Manner aforeſaid ſlain, but ſhall be thereof, and for the ſame, fully acquitted and diſcharged, in like Manner as the ſame Perſon or Perſons ſhould be, if he, ſhe or they were lawfully acquitted of the Death of the ſaid evil-diſpoſed Perſon or Perſons.

Perſons killing others attempting to rob or murder, to be acquitted.

V. *And*

V. *And be it further Enacted by the Authority aforesaid*, That upon all Indictments and Appeals of or for the Death of any Person or Persons, if it be found by Verdict, that the Part indicted or appealed, killed the Person or Persons for whose Death he, she or they is, are or shall be indicted or appealed, in his, her or their own Defence, or by Misfortune, then, and in every such Case, the Party so found by Verdict to have killed the Person or Persons for whose Death he, she or they is, are or shall be indicted or appealed, in his, her or their own Defence, or by Misfortune as aforesaid, shall not forfeit or lose any Thing for the Death of the same Person or Persons, so killed, but shall be thereof, and for the same, fully acquitted and discharged.

Persons killing others in their own Defence, or by Misfortune, to be acquitted.

VI. *And be it further Enacted by the Authority aforesaid*, That upon all Indictment and Appeals, of or for the Death of any Person or Persons, if it be found by Verdict, that the Party indicted or appealed happened to kill the Person or Persons for whose Death he, she or they is, are or shall be indicted or appealed, in attempting or endeavouring, by any lawful Ways or Means, to apprehend, take or arrest the same Person or Persons, for any Treason or Felony done and committed, or hereafter to be done and committed, or in the lawful Defence of his, her or their Husband, Wife, Parent, Child, Master, Mistress or Servant, or in suppressing any Riot, or in keeping and preserving the Peace, or in lawfully chastising or correcting his, her or their Child or Servant; then, and in every such Case, the Party so found by Verdict to have killed the Person or Persons for whose Death he, she or they is, are or shall be indicted, or appealed, shall not forfeit or lose any Thing for the Death of the same Person or Persons so killed, but shall thereof, and for the same, be fully acquitted and discharged.

Persons killing others in apprehending Traitors or Felons, or in Defence of Husband, &c. or in suppressing Riots, &c. to be acquitted.

CHAP. XXIII.

An ACT *for preventing and punishing Rapes, and the forcible taking of Women.*
Passed 14th February, 1787.

I. BE *it Enacted by the People of the State of* New-York, *represented in Senate and Assembly, and it is hereby Enacted by the Authority of the same*, That if any Person shall unlawfully and carnally know and abuse any Woman Child, under the Age of ten Years, every such unlawful and carnal Knowledge, shall be deemed and adjudged to be a Rape and Felony; and every Offender, being thereof duly convicted or attainted, shall suffer Death for the same.

Any Person carnally abusing a Woman Child under 10 Years, to suffer Death.

II. *And be it further Enacted by the Authority aforesaid*, That if any Person shall, by Force, ravish a married Woman, or Maid, or any other Woman, it shall be deemed and adjudged Felony; and every Offender, being thereof duly convicted or attainted, shall suffer Death for the same. And in all Cases of Rape, the Offenders may be prosecuted and punished at the Suit of the People of this State, as well as by Appeal at the Suit of the Party.

Rape to be punished with Death.

Offenders may be prosecuted by Indictment or Appeal.

III. *And whereas* Women, as well Maidens as Widows and Wives, having Substance, some in Goods moveable, and some in Lands and Tenements, and some being Heirs Apparent unto their Ancestors, for the Lucre of such Substance, be sometimes taken by Misdoers, contrary to their Will, and afterwards married to such Misdoers, or to others by their Assent, or defiled; For Prevention whereof, *Be it further Enacted by the Authority aforesaid*, That if any Person or Persons shall take any Woman so against her Will unlawfully; *That is to say*, Maid, Widow or Wife, such taking, and the procuring and abetting to the same, shall be Felony; and every Offender, being thereof duly convicted or attainted, shall suffer Death for the same. And

Forcible taking of Women, and marrying or defiling them, punishable with Death.

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And that ſuch Miſdoers, Takers, Procurators and Abettors to the ſame, in Form aforeſaid, ſhall be reputed and judged as principal Felons; but this Clauſe of this Act ſhall not extend to any Perſon taking any Woman, only claiming her as his Ward, or Bond-Woman.

CHAP. XXIV.

An ACT *to prevent Encroachments of the Court of Admiralty.*

Paſſed 14th February, 1787.

Court of Admiralty not to hold Plea of any Thing done on Land;

BE *it Enacted by the People of the State of* New-York, *repreſented in Senate and Aſſembly, and it is hereby Enacted by the Authority of the ſame,* That the Court of Admiralty of this State, ſhall not meddle or hold Plea of any Thing done within this State, but only of Things done upon the Sea, as it hath been formerly uſed: *And further,* That all Manner of Contracts, Pleas and Quarrels, and of all other Things done, ariſing within the Body of any County of this State, as well by Land as by Water, and alſo of Wreck of the Sea, the Court of Admiralty ſhall have no Manner of Cognizance, Power nor Juriſdiction; but all ſuch Manner of Contracts, Pleas and Quarrels, and all other Things ariſing within the Body of any County of this State, as well by Land as by Water as aforeſaid, and alſo Wreck of the Sea, ſhall be tried, determined, diſcuſſed and remedied by the Laws of the Land, and not before, nor in or by the Court of Admiralty.

But may take Cognizance of Death or *Maihem* done in great Rivers, out of any County.

Nevertheleſs, Of the Death of any Perſon, and of *Maihem* done in Ships or Veſſels being and hovering in the main Stream of great Rivers, out of the Body of any County, or nigh to the Sea, and in none other Places of the ſame Rivers, the Court of Admiralty ſhall have Cognizance.

Penalty for proceeding in the Court of Admiralty.

And moreover, That as touching a Pain to be ſet on the Judge of the Court of Admiralty, this Statute and the Common Law ſhall be holden againſt him; and that any Perſon who ſhall be aggrieved, againſt the Form of this Statute, ſhall have his Action by Writ grounded upon the Caſe, againſt him that doth ſo purſue in the Court of Admiralty, and recover his double Damages againſt the Purſuant; and the ſame Purſuant ſhall incur the Pain of *Ten Pounds,* to the People of this State, for the Purſuit ſo made, if he be convicted.

Not to extend to Suits brought by Virtue of the Impoſt Act.

Provided always, That nothing in this Act ſhall extend to any Libel, Information or Suit in the Court of Admiralty, for or concerning the Forfeiture of any Goods, Wares or Merchandize, ſeized or to be ſeized by Virtue of an Act, entitled, *An* Act *impoſing Duties on certain Goods, Wares and Merchandize, imported into this State.*

CHAP. XXV.

Private.

An ACT *for the Relief of* Arthur Noble, *and others.*

Paſſed 15th February, 1787.

CHAP. XXVI.

An ACT *for preventing of Vexations and Oppreſſions by Arreſts.*

Paſſed 16th February, 1787.

Perſons taken on Proceſs in perſonal Actions, or Indictments for Treſpaſſes, to be let to Bail,

I. BE *it Enacted by the People of the State of* New-York, *repreſented in Senate and Aſſembly, and it is hereby Enacted by the Authority of the ſame,* That all and every Sheriff, Under Sheriff, Coroner, Gaoler and other Officer, ſhall let out of Priſon all Manner of Perſons by them, or any of them arreſted or to be arreſted, or being in their Cuſtody, by Force of any Writ, Bill, or Warrant, in any perſonal Action, or by Reaſon of any Indictment for Treſpaſs, upon reaſonable Sureties, of ſufficient Perſons having ſufficient within

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within the Counties where ſuch Perſons be ſo let to Bail or Mainpriſe, to keep their Days in ſuch Place as the ſaid Writs, Bills or Warrants ſhall require, (except ſuch Perſon or Perſons as be, or ſhall be in their Ward, by Condemnation, Execution, *Capias Utlagatum*, Surety of the Peace, and all ſuch Perſons as be, or ſhall be committed to Ward by ſpecial Commandment of any Court or Juſtices); and that no Sheriff, or any of the Officers or Miniſters aforeſaid, ſhall take, or cauſe to be taken, or make any Obligation, for any Cauſe aforeſaid, or by Colour of their Office, of any Perſon, or by any Perſon who ſhall be in their Ward, by Courſe of Law, but only to themſelves, and by the Name of their Office, and upon Condition written, that the ſaid Priſoners ſhall appear at the Day contained in the ſaid Writ, Bill, or Warrant, and in ſuch Places as the ſaid Writs, Bills or Warrants ſhall require; and if any of the ſaid Sheriffs, Officers or Miniſters aforeſaid, take any Obligation, in other Form, by Colour of their Offices, it ſhall be void. *And further*, That if any Sheriff or other Officer, or Miniſter aforeſaid, return upon any Perſon, that he hath taken the Body, or that ſuch Perſon hath ſurrendered himſelf, ſuch Sheriff or other Officer, or Miniſter aforeſaid, ſhall be chargeable to have the Body of ſuch Perſon at the Days of the Returns of the ſaid Writs, Bills or Warrants, in ſuch Form as they were before the making of this Act.

Except Perſons in Execution, &c. or committed by the Court.

How Bail-Bonds to be taken.

Sheriff anſwerable for the Appearance of his Priſoner.

II. *And be it further Enacted by the Authority aforeſaid*, That no Perſon or Perſons who ſhall happen to be arreſted by any Sheriff, Under Sheriff, Coroner, Miniſter or other Officer, or any other Perſon or Perſons whomſoever, having or pretending to have Authority or Warrant in that Behalf, by Force or Colour of any Writ, Bill or Proceſs, iſſued or to be iſſued out of the Supreme Court (except Writs of *Capias Utlagatum*, Attachments upon Reſcous, Attachments upon Contempt, and Attachments of Privilege, at the Suit of any privileged Perſon) in which ſaid Writ, Bill or Proceſs, the Certainty and true Cauſe of Action is not expreſſed particularly, and for which the Defendant or Defendants in ſuch Writ, Bill or Proceſs named, is and are, or ſhall be bailable by ſuch Sheriff, Under Sheriff, Coroner, Miniſter, and other Officer as aforeſaid, ſhall be forced or compelled to give Security, or to enter into Bond with Sureties, for the Appearance of ſuch Perſon or Perſons ſo arreſted, at the Day and Place in the ſaid Writ, Bill or Proceſs ſpecified or contained, in any Penalty or Sum, exceeding the Sum of *Forty Pounds*, lawful Money of this State, to be conditioned for ſuch Appearance. And that all Sheriffs, and other Officers and Miniſters aforeſaid, ſhall let to bail, and deliver out of Priſon, and from their and every of their Cuſtodies reſpectively, all and every Perſon and Perſons whomſoever, by them or any of them arreſted, upon any ſuch Writ, Bill or Proceſs, wherein the Certainty and true Cauſe of Action is not particularly expreſſed (except as before excepted) upon Security, in the Sum of *Forty Pounds*, and no more, given for the Appearance of ſuch Perſon or Perſons ſo arreſted, unto the ſaid Sheriff, or other Officer aforeſaid, in Manner and Form aforeſaid, or upon ſuch Perſon or Perſons ſo arreſted, indorſing his, her or their Appearance upon ſuch Writ, Bill or Proceſs. *And further*, That where ſuch Appearance ſhall be indorſed upon any ſuch Writ, Bill or Proceſs, the Clerk of the ſaid Supreme Court ſhall, at the Return of the ſame Writ, Bill or Proceſs, enter the Appearance of ſuch Perſon or Perſons ſo indorſed; and where ſuch Perſon or Perſons ſo arreſted ſhall give Bond, in the Sum of *Forty Pounds*, for his, her or their Appearance as aforeſaid, and ſhall, either in Perſon, or by any Attorney of the ſame Court, cauſe his, her or their Appearance unto the ſame Writ, Bill or Proceſs, to be entered with the Clerk of the ſame Court, in the Term wherein the ſame Writ, Bill or Proceſs, ſhall be returnable, ſuch Bond or Bonds, ſo given for Appearance, ſhall be, and hereby are declared to be thereby ſatisfied and diſcharged; and after ſuch Appearance

What Security is to be taken for Appearance, where the Cauſe of Action is not expreſſed in the Proceſs.

Sheriff to deliver ſuch Perſons out of Priſon, upon Security in 40l.

Or upon indorſing an Appearance on the Proceſs.

Where Appearance is indorſed, Clerk to enter the ſame;

And where ſuch Bond is given, Entry of Appearance to be a Diſcharge thereof.

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ſo entered, no Amerciaments ſhall be ſet or eſtreated upon or againſt any Sheriff, or other Officer aforeſaid, or any other Perſon or Perſons, concerning the Want of ſuch Appearance. *And moreover*, Unleſs the Plaintiff or Plaintiffs in any ſuch Writ, Bill or Proceſs named, ſhall put into the ſame Court, his, her or their Bill or Declaration, againſt the Perſon or Perſons ſo arreſted, in ſome perſonal Action, or Ejectment of Lands or Tenements, before the End of the Term next following after Appearance, that then a Non-Suit, for Want of a Declaration, may be entered againſt the ſaid Plaintiff or Plaintiffs; and that every Defendant in every ſuch Writ, Bill or Proceſs named, ſhall or may have Judgment to recover Coſts againſt ſuch Plaintiff or Plaintiffs, to be aſſeſſed, taxed and levied in like Manner as Coſts awarded to Defendants, in Caſes of Verdicts or Judgments for them, are to be aſſeſſed, taxed and levied.

And if Plaintiff neglects to declare before the End of the next Term, he ſhall be nonſuit, and the Defendant to recover Coſts.

III. *And be it further Enacted by the Authority aforeſaid*, That where on any Proceſs iſſued, or to be iſſued out of any Mayor's Court, or Court of Common Pleas, within this State, ſpecial Bail is not required, and the Defendant or Defendants ſhall indorſe his, her or their Appearance upon the ſame Proceſs, the Clerk of the ſame Court ſhall, at the Return of the ſame Proceſs, enter the Appearance of ſuch Defendant or Defendants ſo indorſed, which ſhall be a ſufficient Appearance of ſuch Defendant or Defendants, to enable the Plaintiff or Plaintiffs to proceed to Judgment and Execution, in his, her or their Suit or Action.

Manner of proceeding where ſpecial Bail is not required in the Courts of Common Pleas, and Mayors Courts.

IV. *And be it further Enacted by the Authority aforeſaid*, That if any Sheriff, Under Sheriff, Coroner, or other Officer or Miniſter whatſoever, ſhall, at any Time or Times hereafter, have in his or their Cuſtody, any Perſon or Perſons, by Virtue of, or Colour of any Writ, Proceſs, or other Warrant whatſoever, it ſhall not be lawful for ſuch Officer or Officers to convey or carry, or cauſe to be conveyed or carried, the ſaid Perſon or Perſons, to any Tavern, Ale-Houſe, or other public Victualling or Drinking-Houſe, without the free and voluntary Conſent of the ſaid Perſon or Perſons, ſo as to charge ſuch Priſoner with any Sum of Money, for any Wine, Beer, Ale, Cyder, Punch, Victuals, Tobacco, or any other Thing whatſoever, but what the ſaid Perſon or Perſons ſhall call for, of his, her or their own Accord; and ſuch Officer or Officers ſhall not demand, take or receive, or cauſe to be demanded, taken or received, directly or indirectly, any other or greater Sum or Sums than what by Law ought to be taken or demanded for ſuch Arreſt, Taking, or Waiting until ſuch Perſon or Perſons ſhall have procured an Appearance, found Bail, agreed with his, her or their Adverſaries, or be ſent to the proper Gaol belonging to the County, City, Town or Place where ſuch Arreſt or Taking ſhall be; nor take or exact any other Reward or Gratuity for ſo keeping the ſaid Perſon or Perſons out of the Gaol or Priſon, than what he, ſhe or they ſhall or will, of his, her or their own Accord, voluntarily and freely give, nor take, nor receive any other or greater Sum or Sums for each Night's Lodging, or other Expences, than what is reaſonable and fitting in ſuch Caſes, or ſhall be ſo adjudged by the next Juſtice of the Peace, or at the General Seſſions; and ſhall not cauſe or procure the ſaid Perſon or Perſons to pay for any other Wine, Beer, Ale, Cyder, Punch, Victuals, Tobacco, or other Things, than what the ſaid Perſon or Perſons ſhall voluntarily, particularly, and freely call for. *And further*, That every Sheriff, Under Sheriff, Gaoler, Keeper of Priſon or Gaol, and every Perſon and Perſons whomſoever, to whoſe Cuſtody any Perſon or Perſons ſhall be delivered or committed, by Virtue of any Writ or Proceſs, or on any Pretence whatſoever, ſhall permit and ſuffer the ſaid Perſon or Perſons, at his, her and their Will and Pleaſure, to ſend for and have any Beer, Ale, Victuals, and other neceſſary Food, where and from whom they pleaſe;

Priſoner not to be carried to any Tavern or Ale-Houſe, without his Conſent.

Sheriff and his Officers to take no Fees but ſuch as are allowed by Law,

Nor exact any Reward for keeping any Perſon out of Priſon.

Sheriffs and Gaolers to permit Priſoners to ſend for Neceſſaries.

pleaſe; and alſo, to have and uſe ſuch Bedding, Linen, and other Things, as the ſaid Perſon or Perſons ſhall think fit, without any purloining, detaining, or paying for the ſame, or any Part thereof, and ſhall not demand, take or receive of the ſaid Perſon or Perſons, any other or greater Fee or Fees whatſoever, for his, her or their Commitment, Releaſe or Diſcharge, than what is or ſhall be allowable by Law, nor any Thing whatſoever for his, her or their Chamber Rent. *And moreover*, That it ſhall not be lawful for any Sheriff, Gaoler, or Keeper of any Gaol or Priſon, to put, keep or lodge Priſoners for Debt, and Felons, together in one Room or Chamber, but that they ſhall be put, kept and lodged ſeparate and apart one from another, in diſtinct Rooms.

Debtors and Felons not to be kept together in one Room.

V. *And be it further Enacted by the Authority aforeſaid*, That all and every Sheriff, Under Sheriff, Coroner, Gaoler, and other Officer or Miniſter aforeſaid, who ſhall offend againſt any Thing in this Act herein before contained, or the true Intent and Meaning thereof, or any Part thereof, ſhall forfeit and loſe his Office, Place or Employment, and ſhall forfeit treble Damages to the Party grieved, to be recovered by Action of Debt, Bill, Plaint or Information, in any Court of Record, with Coſts of Suit.

Penalty for offending againſt this Act.

VI. *And be it further Enacted by the Authority aforeſaid*, That if any Sheriff, Under Sheriff, Coroner, or other Perſon having Authority, or taking upon him to open Writs, ſhall make any Warrant for the Summons of any Perſon, as upon any Writ, Proceſs or Suit, or for the Arreſt or attaching of any Perſon or Perſons, by his, her or their Body or Goods, to appear in any Court of Record, (not having before that Time the original Writ or Proceſs warranting the ſame) that then, upon Complaint thereof made to the Juſtice or Juſtices who ſhall hold the Circuit Court in the County where the Offence ſhall be committed, or to the Judges or Juſtices of the Court out of which the Proceſs iſſued, not only the Party who made ſuch Warrant, but all thoſe who were the Procurers thereof, ſhall be ſent for before the ſame Judges or Juſtices, by Attachment or otherwiſe, as the ſame Judges or Juſtices ſhall think fit, and be examined thereof upon Oath; and if the ſame Offence be confeſſed by the ſame Offenders, or proved by ſufficient Witneſſes, to the Satisfaction of the ſame Judges or Juſtices, that then the ſame Judges or Juſtices who ſhall ſo examine the ſame, ſhall forthwith, by Force of this Act, commit every of the ſame Offenders to the Gaol of the County or Court where the ſame ſhall be examined, there to remain without Bail or Mainpriſe, until ſuch Time as they, amongſt them, have fully ſatisfied and paid unto the Party grieved by ſuch Warrant, not only the Sum of *Ten Pounds*, lawful Money of this State, but alſo all ſuch Coſts and Damages as the ſame Judges or Juſtices ſhall ſet down that the ſame Party hath ſuſtained thereby, and likewiſe, *Twenty Pounds* each, for their Offence againſt the People of this State.

Penalty on Perſons making Warrants without having Writs.

VII. *And be it further Enacted by the Authority aforeſaid*, That if any Perſon or Perſons ſhall, by any Ways or Means, maliciouſly, or for Vexation and Trouble, cauſe or procure any other Perſon or Perſons to be arreſted, or attached, to anſwer in any Court of Record, or in any other Court or Place, at the Suit, or in the Name of any Perſon or Perſons, where indeed there is no ſuch Perſon or Perſons known, or without the Aſſent, Conſent or Agreement of ſuch Perſon or Perſons at whoſe Suit, or in whoſe Name ſuch Arreſt or Attachment is or ſhall be ſo had and procured; that then, and in ſuch Caſe, every ſuch Perſon and Perſons who ſhall ſo cauſe or procure any ſuch Arreſt or Attachment of any other Perſon or Perſons, to be had or made, for Vexation or Trouble as aforeſaid, ſhall, for every ſuch Offence, forfeit and pay to the Party or Parties ſo arreſted or attached, by his, her or their Means or Procurement, treble the Coſts, Charges, Damages and Expences, that

Penalty for cauſing Perſons to be arreſted at the Suit of others unknown, or without their Conſent.

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that he, ſhe or they ſo arreſted or attached, ſhall be put unto, by Reaſon or Occaſion of ſuch Arreſt or Attachment ſo had; to be recovered by Action of Debt, Bill, Plaint or Information, in any Court of Record, with Coſts of Suit; and ſhall alſo forfeit and pay unto ſuch Perſon or Perſons, in whoſe Name, and at whoſe Suit ſuch Arreſt or Attachment ſhall be had or made, if then there ſhall be any ſuch Perſon known, the Sum of *Twenty Pounds* for every ſuch Offence, to be recovered as aforeſaid; and ſhall alſo, upon Conviction thereof, have and ſuffer Impriſonment by the Space of *ſix* Calendar Months, without Bail or Mainpriſe.

CHAP. XXVII.

An ACT *for the more eaſy Pleading in certain Suits.*

Paſſed 16th February, 1787.

Actions againſt any Sheriff, Coroner, Juſtice, Mayor, Recorder, Alderman, Bailiff, Conſtable, Marſhal, Collector, or Overſeer of the Poor, concerning their Offices, to be laid in the County where the Fact was done.

I. BE *it Enacted by the People of the State of* New-York, *repreſented in Senate and Aſſembly, and it is hereby Enacted by the Authority of the ſame,* That if any Action, Bill, Plaint or Suit upon the Caſe, Treſpaſs, Battery or falſe Impriſonment, is brought, or hereafter ſhall be brought, againſt any Sheriff, Coroner, Juſtice of the Peace, Mayor, Recorder or Alderman, Bailiff, Conſtable, Marſhal, Collector, or Overſeer of the Poor, and their Deputies, or any of them, or any other Perſon, who in their Aid or Aſſiſtance, or by Commandment, have done, or ſhall do any Thing touching or concerning his or their Office or Offices, for or concerning any Matter, Cauſe or Thing, by them, or any of them, done, by Virtue or Reaſon of their or any of their Office or Offices, that the ſaid Action, Bill, Plaint or Suit, ſhall be laid within the County where the Treſpaſs or Fact hath been, or ſhall be done and committed, and not elſewhere; and that it ſhall be lawful to and for all and every Perſon and Perſons aforeſaid, to plead thereunto the general Iſſue, that he or they are not guilty, and to give ſuch ſpecial Matter in Evidence to the Jury which ſhall try the ſame, which ſpecial Matter being pleaded, had been a good and ſufficient Matter in Law, to have diſcharged the ſaid Defendant or Defendants of the Treſpaſs, or other Matter laid to his or their Charge; and that if upon the Trial of any ſuch Action, Bill, Plaint or Suit, the Plaintiff or Plaintiffs therein, ſhall not prove to the Jury which ſhall try the ſame, that the Treſpaſs, Battery, Impriſonment, or other Fact or Cauſe of his, her or their ſuch Action, Bill, Plaint or Suit, was or were had, made, committed or done, within the County wherein ſuch Action, Bill, Plaint or Suit is, or ſhall be laid, that then, and in every ſuch Caſe, the Jury which ſhall try the ſame, ſhall find the Defendant and Defendants in every ſuch Action, Bill, Plaint or Suit, not guilty, without having any Regard or Reſpect to any Evidence given by the Plaintiff or Plaintiffs therein, touching the Treſpaſs, Battery, Impriſonment, or other Cauſe, for which the ſame Action, Bill, Plaint or Suit is or ſhall be brought: And if the Verdict ſhall paſs with the Defendant or Defendants in any ſuch Action, Bill, Plaint or Suit, or the Plaintiff or Plaintiffs therein become Non-Suit, or ſuffer any Diſcontinuance thereof, that in every ſuch Caſe the Juſtices or Juſtice, or other Judges or Judge, before whom the ſaid Matter ſhall be tried, ſhall, by Force and Virtue of this Act, allow unto the Defendant or Defendants, his or their double Coſts, which he or they ſhall have ſuſtained by Reaſon of his or their wrongful Vexation, in Defence of the ſaid Action, Bill, Plaint or Suit; for which the ſaid Defendant or Defendants ſhall have like Remedy as in other Caſes, where Coſts by the Laws of this State are given to Defendants.

And the Defendant may plead the general Iſſue, and give the ſpecial Matter in Evidence;

And recover double Coſts.

In Actions brought for doing any Thing by Authority of a Statute, the Defendants

II. *And be it further Enacted by the Authority aforeſaid,* That if any Action of Treſpaſs, or other Action or Suit ſhall be brought againſt any Perſon or Perſons, for taking of any Diſtreſs, making any Sale, or any Thing done by

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by Authority of any Statute of this State, made or hereafter to be made, the Defendant or Defendants, in any ſuch Action or Suit, ſhall and may, either plead not guilty, or otherwiſe make Avowry, Cognizance or Juſtification, for the taking of the ſaid Diſtreſs or Diſtreſſes, making of Sale, or other Thing done, or to be done by Virtue of ſuch Statute, alledging in ſuch Avowry, Cognizance or Juſtification, that the ſaid Diſtreſs, Sale, Treſpaſs, or other Thing, whereof the Plaintiff or Plaintiffs complain, was done by Authority of ſuch Statute, and according to the Tenure, Purport and Effect thereof, without any Expreſſing or Rehearſal of any other Matter or Circumſtance contained in ſuch Statute; to which Avowry, Cognizance or Juſtification, the Plaintiff or Plaintiffs ſhall be admitted to reply, that the Defendant or Defendants did take the ſaid Diſtreſs, make the ſaid Sale, or did any other Act or Treſpaſs, ſuppoſed in his or their Declaration, of his or their own Wrong, without any ſuch Cauſe alledged by the ſaid Defendant; whereupon the Iſſue in every ſuch Action ſhall be joined to be tried by a Jury, and not otherwiſe, as is accuſtomed in other perſonal Actions; and upon the Trial of that Iſſue, the whole Matter ſhall or may be given in Evidence by both Parties, according to the very Truth of the ſame; and after ſuch Iſſue tried for the Defendant or Defendants, or Non-Suit of the Plaintiff or Plaintiffs after Appearance, the ſame Defendant or Defendants ſhall recover treble Damages, by Reaſon of his or their wrongful Vexation in that Behalf, with his or their Coſts alſo in that Behalf ſuſtained; which Damages ſhall be aſſeſſed by the ſame Jury which ſhall try the Iſſue, or upon a Writ to inquire of the Damages, as the Caſe may require.

may plead not guilty, or alledge that the Thing was done by Authority of ſuch Statute;

And upon Trial, the whole Matter may be given in Evidence,

And Defendant to recover treble Damages and Coſts.

III. *And be it further Enacted by the Authority aforeſaid*, That in all Actions and Suits, to be taken or purſued in any Court in this State, for the Recovery of any Debt or Debts, which now be, or that hereafter ſhall happen to appertain, accrue, remain or be to the People of the State of *New-York*, by Reaſon of any Attainder, Outlawry, Forfeiture, Gift of the Party, or by any other collateral Way or Means, it ſhall and may be ſufficient in the Law, to ſhew and alledge, in the ſaid Suit, generally, that the Party to whom the ſaid Debt or Debts was or were owing, or did belong, ſuch a Day and Year, did give the ſame Debt or Debts to the People of the State of *New-York*, or was attainted, outlawed, or did commit, or do ſome Offence, Forfeiture, Deed, Act or Thing, by Reaſon whereof the ſaid Debt or Debts did accrue, and ought to remain, come and be to the People of the State of *New-York*; and that the ſame Matter, ſo to be ſhewed, alledged or declared, generally, without ſhewing or declaring the Circumſtances thereof, ſhall be of as good Force and Effect in the Law, to all Intents, Conſtructions and Purpoſes, as if the whole Matter thereof had been, or were alledged and declared at large, in every Point, according to the due Order of the Common Law.

How to declare in Actions for Debts accruing to the State, by Attainder, Outlawry, Forfeiture or Gift.

CHAP. XXVIII.

An ACT *concerning Wrecks of the Sea, and giving Remedy to Merchants and others, who be robbed, or whoſe Goods ſhall be loſt on the Sea.*

Paſſed 16th February, 1787.

I. BE *it Enacted by the People of the State of* New-York, *repreſented in Senate and Aſſembly, and it is hereby Enacted by the Authority of the ſame*, That if a Ship, Veſſel or Boat, or any Kind of Goods, Wares or Merchandize, ſhall be caſt by the Sea on the Land, neither ſuch Ship, Veſſel or Boat, nor any Thing in them, nor ſuch Goods, Wares or Merchandize, ſhall be adjudged Wreck; but the Ship, Veſſel or Boat, and every Thing therein contained, and ſuch Goods, Wares and Merchandize, ſhall be ſaved and kept by the View of the Sheriff or Coroner, or other Perſon appointed for that Purpoſe, who

Veſſels and Goods caſt on Shore, how to be diſpoſed of.

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ſhall cauſe the ſame to be appraiſed, and ſafely keep them, ſo that if any Perſon, within a Year and a Day, ſue for thoſe Goods, and prove that they were his, or loſt in his keeping, they ſhall be reſtored to him without Delay, upon his paying the Charges and Expences of ſaving and keeping the ſaid Goods; but if not, they ſhall remain to the People of this State, and ſhall, after the Expiration of the ſaid Year and Day, be ſold at public Vendue, by the Sheriff, Coroner, or other Perſon appointed for that Purpoſe, who ſhall have found or ſeized the ſame, who ſhall account for the ſame at the Exchequer, deducting the Charges and Expences of ſaving and keeping the ſame, and of ſuch Sale: And he that doth otherwiſe, and is thereof convicted, ſhall yield Damages to the Party grieved, and ſhall be puniſhed by Fine or Impriſonment, or both, at the Diſcretion of the Court or Juſtices, before whom he ſhall be convicted.

Goods ſtolen at Sea, to be reſtored to the Owner.

II. AND *further*, That if any Merchant, Citizen or Stranger, or any other, be robbed of his Goods upon the Sea, and the Goods come into any Part of this State, and he will ſue to recover the ſaid Goods, he ſhall be received to prove the ſaid Goods to be his own, by his Marks, or by his Cocket, or by good and lawful Merchants, Citizens or Strangers, or others; and upon ſuch Proof, the ſame Goods ſhall be delivered to him without Delay.

Perſons to be appointed to aid Veſſels in Diſtreſs, and to ſave the Goods,

III. *And be it further Enacted by the Authority aforeſaid*, That it ſhall and may be lawful for the Perſon adminiſtring the Government of this State for the Time being, by and with the Advice and Conſent of the Council of Appointment, from Time to Time, by Commiſſion under the Great Seal of this State, to appoint ſuch and ſo many proper Perſons in each of the Counties of this State, bordering on the Sea, as they may think neceſſary, to aid and aſſiſt all ſuch Ships and Veſſels as may happen to be ſtranded on the Coaſts in the ſame Counties; and ſuch Perſons ſo appointed, ſhall be and hereby are reſpectively authoriſed and required to give all poſſible Aid and Aſſiſtance to all ſuch Ships and Veſſels, and to the People on board of the ſame, and to uſe their utmoſt Endeavours to ſave the ſame, and to ſave, preſerve and ſecure, for the Purpoſes aforeſaid, the Cargoes of all ſuch Ships and Veſſels, and all Goods and Chattels whatſoever, which may at any Time be caſt by the Sea upon the Land; and to employ ſuch and ſo many Men for the Purpoſe, as they may reſpectively think proper. And the Sheriff, Coroner, or other Perſon ſo appointed as aforeſaid, and all Perſons by them employed, ſhall have a reaſonable Allowance out of the ſame Goods ſo ſaved and preſerved, for ſaving, preſerving and keeping the ſame. And ſuch Sheriff, Coroner, or other Perſon ſo appointed as aforeſaid, ſhall and may detain the ſame Goods until Payment thereof; and in Caſe any Diſpute ſhall ariſe concerning ſuch Allowance, the ſame ſhall be ſettled and adjuſted by any two or more Juſtices of the Peace, dwelling in or near the Town or Place where the ſaid Goods ſhall be found or ſaved. And if any Perſon ſhall take away any Goods whatſoever, out of any Ship or Veſſel ſtranded as aforeſaid, or any Goods caſt by the Sea upon the Land, or found in any Bay or Creek, and not deliver the ſame Goods to the Sheriff or Coroner of the County where the ſame ſhall be found, or to one of the Perſons appointed as aforeſaid, within Forty-eight Hours after taking the ſame, or ſhall ſecret any ſuch Goods, or convert them to his own Uſe, every Perſon ſo offending, ſhall yield double Damages to the Owner of ſuch Goods, to be recovered, with Coſts of Suit, in any Court having Cognizance thereof, and be further puniſhed by Fine or Impriſonment, or other corporal Puniſhment, at the Diſcretion of the Court, not extending to Life or Limb. And it is hereby made the Duty of every Sheriff, Coroner, Juſtice of the Peace and Conſtable, and the Perſons ſo appointed as aforeſaid, to preſent all Offences and Offenders againſt this Act, at the Seſſions of the Peace in their reſpective Counties; and the Juſtices of the Peace in their Seſſions, are hereby authoriſed and required to hear and determine the ſame.

And to have reaſonable Allowance for it.

Penalty for ſecreting ſuch Goods.

Officers to preſent Offenders againſt this Act.

CHAP.

CHAP. XXIX.

A. D. 1787.
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An ACT *declaring what Offences ſhall be adjudged Treaſon, and regulating Trials in Caſes of Treaſon and Miſpriſion of Treaſon.*

Paſſed 16th February, 1787.

I. BE *it Enacted by the People of the State of* New-York, *repreſented in Senate and Aſſembly, and it is hereby Enacted by the Authority of the ſame,* That if any Perſon do levy War againſt the People of this State, within this State, or be adherent to the Enemies of the People of this State, or of the United States of *America*, within this State, giving to them Aid and Comfort in this State, or elſewhere, and be thereof, by good Proof, attainted of open Deed, ſuch Offences, and none other, ſhall be adjudged Treaſon againſt the People of the State of *New-York*.

Levying War againſt the People of this State, or adhering to their Enemies, declared Treaſon.

II. *And be it further Enacted by the Authority aforeſaid*, That Concealment, or keeping ſecret any Treaſon, ſhall be from henceforth adjudged, deemed and taken to be Miſpriſion of Treaſon, and the Offender therein, ſhall forfeit and ſuffer as in Caſes of Miſpriſion of Treaſon.

Miſpriſion of Treaſon.

III. *And be it further Enacted by the Authority aforeſaid*, That all Trials to be had, awarded or made, for any Treaſon or Miſpriſion of Treaſon, ſhall be had and uſed only according to the due Order and Courſe of the Common Law and this Act, and not otherwiſe.

Trials for Treaſon or Miſpriſion of Treaſon, to be according to the Common Law.

IV. *And be it further Enacted by the Authority aforeſaid*, That all and every Perſon and Perſons whomſoever, that ſhall be accuſed and indicted for Treaſon or Miſpriſion of Treaſon, ſhall have a true Copy of the whole Indictment, with a Liſt of the Witneſſes to be produced on the Trial for proving the ſaid Indictment, mentioning their Names, Profeſſion and Place of Abode, delivered unto him or them ſo indicted, *five* Days at the leaſt before he, ſhe or they ſhall be tried for the ſame, whereby to enable him, her or them, to adviſe with Counſel thereupon, to plead and make their Defence (his, her or their Attorney or Attornies, or Agent or Agents, requiring the ſame) and that every Perſon accuſed and indicted, arraigned or tried for any Treaſon or Miſpriſion of Treaſon, ſhall be received and admitted to make his, her or their full Defence by Counſel, and to make any Proof that he, ſhe or they can produce by lawful Witneſs or Witneſſes, who ſhall then be upon Oath, for his, her and their juſt Defence in that Behalf. And in Caſe any Perſon or Perſons ſo accuſed or indicted, ſhall deſire Counſel, the Court before whom ſuch Perſon or Perſons ſhall be tried, or ſome Judge of that Court, ſhall, and is hereby authoriſed and required, immediately upon his, her or their Requeſt, to aſſign to ſuch Perſon or Perſons, ſuch and ſo many Counſel, not exceeding two, as the ſame Perſon or Perſons ſhall deſire, to whom ſuch Counſel ſhall have free acceſs at all reaſonable Hours. And that all and every Perſon and Perſons who ſhall be accuſed, indicted and tried for any Treaſon or Miſpriſion of Treaſon, ſhall have Copies of the Panel, containing the Names, Places of Abode, and Additions of the Jurors who are to try him, her or them, duly returned by the Sheriff, and delivered unto him, her or them, and every of them ſo accuſed and indicted reſpectively, *four* Days at leaſt before he, ſhe or they ſhall be tried for the ſame. And that all Perſons ſo accuſed and indicted for any Treaſon or Miſpriſion of Treaſon, ſhall have the like Proceſs of the Court where they ſhall be tried, to compel their Witneſſes to appear for them, at ſuch Trial or Trials, as is uſually granted to compel Witneſſes to appear againſt them.

Perſons indicted to have a Copy of the Indictment, with a Liſt of the Witneſſes, *five* Days before Trial,

And may make their Defence by Counſel, and Proof by Witneſſes.

Court to aſſign Counſel.

Priſoner to have Copies of the Panel *four* Days before the Trial,

And Proceſs to compel his Witneſſes to appear.

V. *And*

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V. *And be it further Enacted by the Authority aforeſaid*, That no Perſon or Perſons whomſoever, ſhall be indicted, tried or attainted of Treaſon, or of Miſpriſion of ſuch Treaſon, but by and upon the Oath and Teſtimony of *two* lawful Witneſſes, either both of them to the ſame Overt-Act, or one of them to one, and the other of them to another Overt-Act of the ſame Treaſon; unleſs the Party indicted and arraigned or tried, ſhall willingly, without Violence, in open Court, confeſs the ſame, or in Caſe of Treaſon, ſhall peremptorily challenge above the Number of *Thirty-five* of the Jury. And if two or more diſtinct Treaſons of divers Heads or Kinds, ſhall be alledged in one Bill of Indictment, one Witneſs produced to prove one of the ſaid Treaſons, and another Witneſs to prove another of the ſaid Treaſons, ſhall not be deemed or taken to be two Witneſſes to the ſame Treaſon, within the Meaning of this Act. *And further*, That no Evidence ſhall be admitted or given of any Overt-Act, that is not expreſſly laid in the Indictment, againſt any Perſon or Perſons whomſoever.

Two Witneſſes neceſſary.

No Evidence to be given of any Act not charged.

VI. *And be it further Enacted by the Authority aforeſaid*, That all Offences by this Act declared to be Treaſon, which ſhall be committed, perpetrated or done upon the Land, out of this State, or upon the Sea, ſhall and may be inquired of, heard and determined in the Supreme Court of this State, by good and lawful Men of the ſame County where the ſaid Court ſhall ſit, in like Manner and Form, to all Intents and Purpoſes, as if the ſaid Treaſons had been committed, perpetrated and done within the ſame County.

Treaſon committed out of the State, or upon the Sea, may be tried in the Supreme Court.

VII. *And be it further Enacted by the Authority aforeſaid*, That any Perſon or Perſons, being indicted for any Treaſon or Miſpriſion of Treaſon, may be outlawed, and thereby attainted of or for any of the ſaid Offences: And that all Proceſs of Outlawry to be had and made within this State, againſt any ſuch Offenders, being reſident, or inhabiting out of the Limits of this State, or in Parts beyond Sea, at the Time of the Outlawry pronounced againſt them, ſhall be as good and effectual in the Law, to all Intents and Purpoſes, as if ſuch Offenders had been reſident and dwelling within this State, at the Time of ſuch Proceſs awarded, and Outlawry pronounced: But if the Party ſo outlawed, being out of this State as aforeſaid, ſhall, within one Year next after the ſaid Outlawry pronounced, or Judgment given upon the ſaid Outlawry, yield or ſurrender himſelf, to either of the Juſtices of the ſaid Supreme Court, for the Time being, and offer to traverſe the Indictment, whereupon the ſaid Outlawry ſhall be pronounced as aforeſaid, that then he ſhall be received to the ſaid Traverſe; and if he ſhall be thereupon found not guilty by the Verdict of a Jury, he ſhall clearly be acquitted and diſcharged of the ſaid Outlawry, and of the Penalties and Forfeitures by Reaſon of the ſame; and upon the Trial of ſuch Traverſe, the Defendant ſhall, in all Reſpects, have the Benefit of this Act.

Outlawries effectual againſt Perſons out of the State.

But Party outlawed being out of the State, may ſurrender and traverſe the Indictment within a Year.

VIII. *And be it further Enacted by the Authority aforeſaid*, That no Perſon or Perſons whomſoever, ſhall be indicted, tried or proſecuted for any Treaſon or Miſpriſion of Treaſon, that hath been, or ſhall be committed or done, unleſs the ſame Indictment be found by a Grand Jury, within *three* Years next after the Treaſon or Offence done or committed.

Indictments to be found within three Years after Offence.

IX. *And be it further Enacted by the Authority aforeſaid*, That no Indictment for any of the Offences aforeſaid, nor any Proceſs or Return thereupon, ſhall be quaſhed, on the Motion of the Priſoner, or his or her Counſel, for miſ-writing or miſ-ſpelling, unleſs Exception concerning the ſame be taken and made in the Court where ſuch Trial ſhall be, by the Priſoner, or his or her Counſel, before any Evidence given in open Court upon ſuch Indictment; nor ſhall any ſuch miſ-writing or miſ-ſpelling, after Conviction on ſuch Indict-

Indictments or Proceſs not to be quaſhed for miſ-writing or miſ-ſpelling, unleſs Exception be taken before any Evidence given.

ment,

ment, be any Cauſe to ſtay or arreſt Judgment thereupon; but nevertheleſs, any Judgment given upon ſuch Indictment, ſhall and may be liable to be reverſed upon a Writ of Error, in the ſame Manner, and in no other, than as if this Act had not been made.

Forfeiture for Treaſon.

X. *And be it further Enacted by the Authority aforeſaid*, That every Offender or Offenders, being hereafter lawfully convicted of any Manner of Treaſon, by Preſentment, Confeſſion, Verdict, or Proceſs of Outlawry, according to the due Courſe and Cuſtom of the Laws of this State, ſhall loſe and forfeit to the People of this State, all ſuch Lands, Tenements and Hereditaments, which any ſuch Offender or Offenders ſhall have, of any Eſtate of Inheritance in his own Right, in Uſe or Poſſeſſion, by any Right, Title or Means, within this State, at the Time of any ſuch Treaſon committed, or at any Time after; and alſo all his, her and their Goods and Chattels, ſaving to every Perſon and Perſons, their Heirs and Succeſſors, other than the Offenders and their Heirs, and ſuch Perſon and Perſons as claim to any their Uſes, all ſuch Rights, Titles, Intereſts, Poſſeſſions, Leaſes, Rents, Reverſions, Offices, and other Profits, which they or any of them ſhall have at the Day of committing ſuch Treaſons, or at any Time before, in as large and ample Manner as if this Act had never been made.

CHAP. XXX.

An ACT *concerning Appeals of Felony.*

Paſſed 16th February, 1787.

Appeals to be tried according to Law.

I. BE *it Enacted by the People of the State of* New-York, *repreſented in Senate and Aſſembly, and it is hereby Enacted by the Authority of the ſame*, That all Appeals of Things done within this State, ſhall be tried and determined according to the Laws of this State, and that no Appeals ſhall be made, or in any wiſe purſued before either Houſe of the Legiſlature.

No Perſon to be taken on the Appeal of a Woman, for the Death of any other than her Huſband.

II. *And be it further Enacted by the Authority aforeſaid*, That no Perſon ſhall be taken or impriſoned upon the Appeal of a Woman, for the Death of any other than of her Huſband.

A Woman may bring Appeal for a Rape.

If ſhe conſents to the Raviſher, her Huſband, Father, or next of Kin, may have Suit.

III. *And be it further Enacted by the Authority aforeſaid*, That if any married Woman or Maid, or any other Woman, ſhall be raviſhed, and doth not conſent to the Raviſher, neither before nor after the Rape committed, ſuch Woman ſo raviſhed, may ſue and proſecute againſt ſuch Offenders by Appeal, and purſue the ſame to Judgment and Execution. But if ſuch Woman, after the Rape committed, conſent to the Raviſher, ſhe ſhall be thereby barred of her Appeal. *And further*, That whereſoever and whenſoever any Woman ſhall be raviſhed, and after ſuch Rape do conſent to ſuch Raviſher, the Huſband of ſuch Woman, if ſhe have a Huſband, or if ſhe have no Huſband in Life, then her Father, or other next of her Blood, ſhall from henceforth have the Suit, to purſue, and may ſue by Appeal, againſt the ſame Offenders and Raviſhers, in this Behalf, to have them thereof convicted, and purſue the ſame to Judgment and Execution, although the ſame Woman, after ſuch Rape, do conſent to the Raviſher.

Appeals of Murder when ſufficient.

IV. *And be it further Enacted by the Authority aforeſaid*, That in all Appeals of Murder, if the Appellant declare the Deed, the Year, the Day, the Hour, and the Town or Place where the Deed was done, and with what Weapon the Perſon killed was ſlain, the Appeal ſhall ſtand good in Effect, and no ſuch Appeal ſhall be abated for Default of freſh Suit, if the Party ſhall ſue within the Year and the Day after the Deed done.

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Murderers may be arraigned within the Year and Day,

V. *And be it further Enacted by the Authority aforeſaid*, That if any Perſon be ſlain or murdered, and therefore the Slayers, Murderers, Abettors, Maintainers and Comforters of the ſame, be indicted, that the ſame Slayers and Murderers, and all other Acceſſaries of the ſame, ſhall be arraigned and determined of the ſame Felony and Murder, at any Time, at the Suit of the People of this State, within the Year after the ſame Felony and Murder done, and not tarry the Year and Day for any Appeal to be taken for the ſame Felony or Murder. And if any Perſon named as Principal or Acceſſary, ſhall be acquitted of any ſuch Murder or Felony, at the Suit of the People of this State, within the Year and Day, that then the ſame Juſtices, before whom ſuch Perſon ſhall be acquitted, ſhall not ſuffer him to go at large, but ſhall either remit him again to Priſon, or elſe let him to Bail, after their Diſcretion, till that Year and Day be paſſed. And if the ſaid Felons or Murderers, and Acceſſaries ſo arraigned, or any of them, be acquitted, or if they, or any of them, happen to be attainted, the Wife or next Heir to the Perſon ſo ſlain, as ſhall require it, may take and have their Appeal of the ſame Death and Murder, within the Year and Day after the ſame Felony and Murder done, againſt the ſaid Perſons ſo arraigned and acquitted, and all other their Acceſſaries, or againſt the Acceſſaries of the ſaid Principal, or any of them ſo attainted, or againſt the Principals ſo attainted, if they be alive; and that the Appellant ſhall have ſuch and the like Advantage as if the ſaid Acquittal or Attainder had not been, the ſaid Acquittal or Attainder notwithſtanding. *And further*, That the Wife or Heirs of the ſaid Perſons ſo ſlain or murdered, as the Caſe ſhall require, may commence their Appeal in proper Perſon, at any Time within the Year after the ſaid Felony done, before one of the Coroners of the County where the ſaid Felony or Murder was done, or before People of the State of *New-York*, in their Supreme Court, or before the Juſtices of the Gaol Delivery, or Juſtices aſſigned to hear and determine; and the Appellants, in any Appeals of Murder or Death of any Perſon, or of Rape, or any other Felony, may make their Attornies, and appear and proſecute the ſame Appeals by their Attornies, after the ſame Appeals be commenced, to the End of the Suit, and Execution of the ſame.

And if acquitted, to be confined or bailed until the Year and Day be paſſed;

And whether convicted or acquitted, the Wife or Heir of the Perſon ſlain, may proſecute by Appeal within the Year and Day.

Wife, or Heirs of Perſons ſlain, may commence Appeal in Perſon within the Year and Day.

Appellants, after Appeal commenced, may appear and proſecute by Attorney to the End of the Suit.

CHAP. XXXI.

An ACT *touching the Bailment of Perſons.*

Paſſed 16th February, 1787.

What Perſons not bailable by Sheriffs.

I. BE *it Enacted by the People of the State of* New-York, *repreſented in Senate and Aſſembly, and it is hereby Enacted by the Authority of the ſame*, That no Sheriff, Under Sheriff, Coroner, Gaoler, or other Officer, ſhall let out of Priſon or permit to go at large, on Bail or otherwiſe, any Perſon by them or any of them arreſted, or to be arreſted, or being in their or any of their Cuſtody, by Virtue of any Writ, Proceſs, Warrant or Commitment, for any Treaſon or Felony, or Miſpriſion of Treaſon, or upon any Condemnation, Execution or *Capias Utlagatum*, or for Surety of the Peace; or any Perſon taken or arreſted, or committed, or to be taken, arreſted or committed, by ſpecial Commandment of any Court or Juſtices, upon Pain of being puniſhed by Fine and Impriſonment, and to anſwer the Damages to the Party grieved, if any be thereby aggrieved.

Two Juſtices may bail Perſons taken on Suſpicion of Felony.

II. AND *for as much* as divers Perſons have been arreſted and impriſoned for Suſpicion of Felony, ſometimes of Malice, and ſometimes of light Suſpicion, and ſo kept in Priſon without Bail or Mainpriſe, to their great Vexation and Trouble; Therefore, *Be it further Enacted by the Authority aforeſaid*, That the Juſtices of the Peace in their General Seſſions, or any two of them at the leaſt, being preſent together out of Seſſions, in every County and City

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City of this State, shall have Authority and Power, by their Discretion, to let such Prisoners and Persons so arrested in their respective Cities or Counties, to Bail or Mainprise, unto their next General Sessions, or unto the next Gaol Delivery, to be holden in the same County or City where the said Person or Persons shall be arrested or suspected (as the Case may require). *And further*, That the said Justices, or one of them, when any such Prisoner shall be brought before them, before any Bailment or Mainprise, shall take the Examination of the said Prisoner, and Information of them that bring him, of the Fact and Circumstances thereof, and the same, or as much thereof as shall be material to prove the Felony or Offence, shall put into Writing, before they make the same Bailment; which said Examinations, together with the said Bailment, the said Justices shall certify in Writing, subscribed or signed with their own Hands, at their next General Sessions, or the next Gaol Delivery, to which the said Person or Persons so let to Bail or Mainprise shall be bound to appear. And the said Justices are hereby authorised and required to bind all such by Recognizance, as do declare any Thing material to prove the said Felonies or Offences, to appear at their next General Sessions, or at the next Gaol Delivery, to be holden within the County or City where the Trial thereof shall be, as the Case may require, then and there to give Evidence against the said Party, and shall certify such Recognizance and Recognizances in Writing, as they shall take, to the same Court, together with the said Examinations and Bailment; and in Case any Justice of the Peace, or Mayor, Recorder or Alderman, acting as a Justice of the Peace, shall offend in any Thing contrary to the true Intent and Meaning of this Act, the Justices of the Peace, in their General Sessions of the Peace, or the Justices of the Gaol Delivery of the City or County where such Offence shall be committed, upon due Proof thereof, by Examination before them, shall, for every such Offence, set such Fine on every of the same Justices of the Peace, as the same Justices of the Peace, in their General Sessions, or the Justices of Gaol Delivery, shall think meet, and estreat the same as other Fines and Amerciaments assessed before Justices of the Peace, in their General Sessions of the Peace, or before Justices of Gaol Delivery, ought to be estreated.

Justices, in such Cases, to take Examinations in Writing,

And bind Witnesses to appear.

Justices offending against this Act, to be fined.

CHAP. XXXII.

An ACT *concerning Sheriffs, and the Service and Return of Process.*

Passed 19th February, 1787.

I. BE *it Enacted by the People of the State of* New-York, *represented in Senate and Assembly, and it is hereby Enacted by the Authority of the same*, That none shall be Sheriff of any City or County of this State, unless he be a substantial Freeholder within the same City or County where he shall be Sheriff. *And further*, That every Person hereafter to be appointed to the Office of Sheriff of any City or County within this State, before he be permitted to execute the said Office, shall enter into Bond to the People of this State, in the Penal Sum of *Two Thousand Pounds*, with two or more sufficient Sureties, being Freeholders, jointly and severally, in the Penal Sum of *Two Thousand Pounds*, to answer the People of this State, and the Parties, if any will complain, and conditioned that such Sheriff shall well and faithfully, in all Things, perform and execute the said Office of Sheriff, without Fraud, Deceit or Oppression; which Bonds shall be filed in the Clerk's Office of the Counties respectively, for which the respective Sheriffs shall be appointed, and the said Clerks respectively shall judge of and determine the Competency of such Sureties. And in Case of any Recovery by any Party aggrieved against any Sheriff, for any Default or Misconduct in his Office, it shall be lawful for the Justices of the Supreme Court, upon Motion in open Court,

None but Freeholders to be Sheriffs.

Sheriffs to give Bonds in 2000l. with Sureties.

In Case of Recovery against Sheriff, how Bond to be put in Suit and prosecuted.

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Court, to order the Bond ſo given by ſuch Sheriff, to be put in Suit againſt ſuch Sheriff or his Sureties, or all, or any, or either of them; and when Judgment ſhall be obtained on ſuch Bond, the ſaid Supreme Court ſhall, upon Motion in open Court, direct ſo much Money to be levied thereon, as ſhall be ſufficient to pay the Party the Debt or Damages ſo recovered, with Coſts, and to be paid to ſuch Party grieved; but if ſuch Sheriff or his Sureties, or either of them, ſhall pay the Debt or Damages ſo recovered againſt ſuch Sheriff, with Coſts, then ſuch Suit on ſuch Bond ſhall thereupon be ſtayed, and be no further proſecuted. *And further*, That if after Judgment obtained upon ſuch Bond, any other Party aggrieved, and who ſhall have recovered any Debt or Damages againſt ſuch Sheriff, for any Default or Miſconduct in his Office, ſhall apply to the ſaid Supreme Court for Relief, the ſaid Supreme Court ſhall, upon Motion in open Court, direct ſuch further Sum to be levied on ſuch Judgment on ſuch Bond, as ſhall be ſufficient to pay the Debt or Damages ſo recovered, with Coſts, and to be paid to ſuch Party aggrieved, and ſo as often as any Recovery ſhall be had againſt ſuch Sheriff, for any Miſconduct or Default in his Office, provided that the Sureties in any Bond ſhall not be charged by Virtue of this Act, beyond the Amount of the Sums in which they are or ſhall be bound in any ſuch Bond: *And Provided*, If two or more ſuch Recoveries ſhall be had againſt ſuch Sheriff, in the ſame Term, or at the ſame Time, amounting together to more than the whole Amount of the Sums contained in ſuch Bond, the ſaid Supreme Court ſhall order the Monies, to be levied thereupon, to be diſtributed to the Parties reſpectively, in Proportion to the reſpective Amounts of their reſpective Recoveries.

Sheriffs to have Cuſtody of Gaols, and appoint Keepers.

II. *And be it further Enacted by the Authority aforeſaid*, That the Sheriff of each of the reſpective Cities and Counties of this State, ſhall have the Cuſtody, Rule, Keeping and Charge of the Gaols and Priſons, and the Priſoners in the ſame, in the ſame City or County, as before this Time they were wont to have; and the ſame Sheriffs reſpectively ſhall put in ſuch Keepers for whom they will anſwer: And if the Keeper or Under Keeper of any Priſon, by too great *Dureſs* of Impriſonment, and by Pain, make any Priſoner that he hath or ſhall have in his Ward, to become an Appellor againſt his Will, it ſhall be Felony, and if any Keeper be thereof convicted or attainted, he ſhall have Judgment as in Caſes of Felony.

Felony in Gaolers to compel any Priſoner to become an Apellor.

No Sheriff or other Officer to take any Fees not allowed by Law.

III. *And be it further Enacted by the Authority aforeſaid*, That no Sheriff, or other Officer or Miniſter, by Occaſion, or under Colour of their or any of their Office, ſhall take any other Thing, or more, by themſelves, or by any other Perſon, to their or any of their Uſe, Profit or Avail, of any Perſon by them, or any of them, to be arreſted or attached, nor of any other, for the omitting of any Arreſt or Attachment to be made by their Body, or of any Perſon by them, or of any of them, by Force or Colour of their, or any of their Office, arreſted or attached for Fine, Fee, Suit of Priſon, Mainpriſe, letting to Bail, or ſhewing any Eaſe or Favour, to any ſuch Perſon ſo arreſted or attached, or to be arreſted or attached, for their, or any of their Reward or Profit, but ſuch as are or ſhall be allowed and eſtabliſhed by the Law of this State. *And further*, That every Sheriff in this State, ſhall yearly make a Deputy of Record in the Supreme Court, to receive all Manner of Writs and Warrants to be delivered to them. *And moreover*, That every Sheriff, or other Officer or Miniſter, who ſhall do contrary hereto, in any Point, ſhall forfeit and pay to the Party in that Behalf aggrieved, his treble Damages, to be recovered with Coſts of Suit, and ſhall alſo forfeit the Sum of *One Hundred Pounds*, at every Time that they or any of them do the Contrary thereof in any Point; the one Moiety thereof to the People of this State, and the other Moiety thereof to the Party who ſhall ſue for the ſame, to be recovered, with Coſts of Suit, in any Court of Record, by Action of Debt, Bill, Plaint or Information.

Sheriffs annually to appoint Deputies in the Supreme Court, to receive Writs.

Penalty on Delinquent Sheriffs.

IV. *And*

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IV. *And be it further Enacted by the Authority aforeſaid,* That ſuch as do fear the Malice of Sheriffs or others, having the Return of Writs, ſhall deliver their Writs, original and judicial, in the County where they are to be executed, and may take of the Sheriff, Under Sheriff, or other Officer to whom the ſame Writ ſhall be directed, a Certificate, wherein the Names of the Demandants or Plaintiffs, and Tenants or Defendants named in the Writ, and the Day of delivering the Writ, ſhall be mentioned; and the Sheriff or Under Sheriff, or other Officer to whom the Writ ſhall be directed, ſhall, at the Requeſt of the Party delivering the Writ, put his Seal to the ſaid Certificate for a Teſtimony; and if the Sheriff or Under Sheriff, or the Officer to whom the Writ ſhall be directed, will not put his Seal to ſuch Certificate, the Witneſs of other credible Perſons being preſent, ſhall be taken, and ſhall put their Seals to ſuch Certificate. *And further,* That at what Time or Place ſoever, in the County, any Perſon doth deliver any Writ to the Sheriff, or the Under Sheriff, or other Officer to whom the Writ ſhall be directed, they ſhall receive the ſame Writ, and make a Certificate thereof as aforeſaid, without taking any Thing therefore; and if the Sheriff, or other Officer to whom the ſaid Writ ſhall be directed, do not return the ſame Writ, and Complaint thereof be made to the Court where ſuch Writ ſhall be returnable, if the Writ was to be executed in the ſame County where ſuch Court ſhall then ſit, an Inqueſt ſhall thereupon be taken, in the Preſence of ſuch Sheriff or other Officer, if he will attend in the ſame Court, to inquire whether the Writ was delivered, and what Damages the Party hath ſuſtained, having Regard to the Quality and Quantity of the Action, and the Peril that may happen by Reaſon of the Delay; and if it be found by the Inqueſt, that the Writ was delivered, the Party ſhall recover his or her Damages aforeſaid, againſt ſuch Sheriff, Under Sheriff, or other Officer, with the Coſts of taking the ſame Inqueſt, and ſhall have Execution for the ſame, in like Manner as for Damages in any other Caſes; but if ſuch Writ was to be executed in any other County, then a Writ judical ſhall be awarded to the Juſtices or Juſtice who ſhall hold the next Circuit Court in ſuch County, to inquire as aforeſaid, and an Inqueſt ſhall be thereupon taken in ſuch Circuit Court, and returned; and if it be found by the Inqueſt that the Writ was delivered, the Party Demandant or Plaintiff, ſhall recover and have Execution for the Damages and Coſts as aforeſaid, and by the ſame Means there ſhall be Remedy, where the Sheriff or other Officer returns that the Writ came too late, ſo that he could not execute the ſame. *And moreover,* That in all Caſes where the Sheriff or other Officer ſhall be commanded, that of the Iſſues of the Lands and Chattels of any Perſon he anſwer, if the Plaintiff demand hearing of the Return, it ſhall be granted; and if the Plaintiff offer to aver that the Sheriff or other Officer might and ought to have returned greater Iſſues, it ſhall be inquired, by an Inqueſt to be taken in the Manner aforeſaid, of what and how great Iſſues the Sheriff or other Officer might and ought to have made Return, from the Day of the Writ purchaſed, unto the Day of the Return thereof; and if it be found that he hath not anſwered for the Whole, he ſhall be charged with the Overplus, and ſhall alſo be amerced for the Concealment. And it is hereby declared, that Rents, Corn in the Grange, and all Moveables, (except Arms, Implements of Trade and Houſehold Goods) be contained within the Name of Iſſues.

Sheriffs and other Officers to give Certificates of receiving Writs, if required.

On Refuſal, Certificates may be given by Witneſſes.

If Writ is not returned, how Damages to be aſſeſſed and recovered.

On Return of Iſſues, Plaintiff may aver that greater Iſſues might have been returned,

And if found ſo, returning Officer to anſwer for the whole.

What ſhall be deemed Iſſues.

V. *And be it further Enacted by the Authority aforeſaid,* That when the Sheriff, or any of his Deputies, ſhall find that Reſiſtance will be made againſt any Proceſs of Execution, the Sheriff, laying aſide all other Things, and taking with him the Power of the County, ſhall forthwith go in his proper Perſon, and do Execution; and if he find Reſiſtance, he ſhall certify to the Court the Names of the Reſiſters, Aiders, Conſenters, Commanders and Favourers, and by a Writ judicial, they ſhall be attached by their Bodies, to appear

Sheriff's Duty in Caſes of Reſiſtance.

Penalty on Reſiſters.

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in the ſame Court, and if they be convicted of ſuch Reſiſtance, they ſhall be puniſhed by Fine and Impriſonment.

Sheriffs to ſign Returns.

VI. *And be it further Enacted by the Authority aforeſaid*, That Sheriffs and other Officers to whom the Return of any Writs or Proceſs ſhall appertain, ſhall put their own Names to the Returns of the ſame Writs and Proceſs, ſo that the Court may know of whom they took ſuch Returns, if Need be; and if any Sheriff or other Officer leave out his Name in any Return, he ſhall be amerced, and alſo anſwer the Damages to the Party.

Sheriffs and Gaolers to receive Thieves & Felons from Conſtables & other Officers.

VII. *And be it further Enacted by the Authority aforeſaid*, That Sheriffs and Gaolers ſhall, from henceforth, receive and ſafely keep in priſon, all Thieves and Felons appealed, indicted, or taken in the Fact, who ſhall be taken and attached by Conſtables and other Officers, by the Delivery of the Conſtables and other Officers, without taking any Thing for the Receipt. *And further*, That as well the Juſtices of the Peace, at their General Seſſions in their reſpective Counties, as the Juſtices of the Supreme Court and the Juſtices of Gaol Delivery, and Juſtices aſſigned or authoriſed to hear and determine, ſhall have Power to hear the Complaints of thoſe who will complain againſt Sheriffs and Gaolers in ſuch Caſes, and to puniſh the Sheriffs and Gaolers, if they be found guilty.

What Courts to hear Complaints againſt Sheriffs and Gaolers, and puniſh them.

Sheriffs, on Proceſs out of Exchequer, to acquit Debtors for Money received.

VIII. *And be it further Enacted by the Authority aforeſaid*, That every Sheriff, and other Officer to whom any Proceſs out of the Exchequer ſhall be directed and delivered, for levying any Debt, Fine or Forfeiture, to the People of the State of *New-York*, ſhall, upon Demand, ſhew the ſame Proceſs and deliver a Copy thereof to the Debtor or Perſon againſt whom the ſame Proceſs ſhall be iſſued, without denying to any, and without taking any Reward; and ſhall, upon receiving or levying the Money mentioned in ſuch Proceſs, lawfully acquit the Debtor thereof, and account for the ſame at his next Account, after he ſhall have received or levied the ſame; and if any Sheriff or other Officer do otherwiſe, and be thereof convicted, he ſhall render to the Party aggrieved treble Damages and Coſts of Suit, and be further puniſhed by Fine, according to the Diſcretion of the Court wherein he ſhall be convicted.

Goods of accuſed Perſons not to be ſeized until Conviction.

IX. *And be it further Enacted by the Authority aforeſaid*, That no Sheriff or other Perſon, ſhall take or ſeize the Goods of any Perſon arreſted or impriſoned for Suſpicion of Felony, before that the ſame Perſon ſo arreſted or impriſoned, be convicted or attainted of ſuch Felony according to Law, or the ſame Goods be otherwiſe lawfully forfeited, upon Pain to forfeit double the Value of the Goods ſo taken, to him who ſhall be ſo injured in that Behalf; to be recovered with Coſts of Suit, in any Court of Record, by Action of Debt, Bill, Plaint or Information.

Any Perſon whoſe Lands or Goods are wrongfully ſeized or forfeited, may have a Writ of *Identitate Nominis*.

X. AND *whereas* Sheriffs, and other Officers, ſometimes ſeize the Lands, Goods, and Chattels of divers Perſons, ſurmiſing that they be outlawed, or their Lands, Goods and Chattels forfeited, where they be not, becauſe that they bear ſuch Names as thoſe who be outlawed, or whoſe Lands, Goods and Chattels be forfeited, for Default of good Declaration of the Name, Sirname and Addition; For Remedy whereof, *Be it further Enacted by the Authority aforeſaid*, That if any will complain in ſuch Caſe, he or ſhe ſhall have a Writ of *Identitate Nominis*; and if the Lands, Goods or Chattels of any Perſon ſhall, in ſuch Caſe, be ſeized by any Sheriff or other Officer, ſuch Perſon ſhall find Surety before the Sheriff or other Officer who hath the Warrant to ſeize, to anſwer to the People of this State, of the Value of ſuch Lands, Goods and Chattels, in Caſe he or ſhe cannot diſcharge himſelf or herſelf; and ſuch Sheriff or other Officer, ſhall thereupon reſtore the ſame Lands,

Lands, Goods and Chattels, to the Party, without taking any Thing of the Party. And if such Sheriff or other Officer do not the same, and thereof be convicted, the Party shall have Suit against such Sheriff or other Officer, and recover his or her double Damages and Costs of Suit; and such Sheriff or other Officer shall be further punished by Fine for his Offence. A. D. 1787. Inde. *U. S.* XI.

XI. *And be it further Enacted by the Authority aforesaid*, That as well the Justices of the Peace in their open General Sessions, and the Justices of Gaol Delivery, and Justices assigned or authorised to hear and determine, within the Limits of their Authority respectively, as the Justices of the Supreme Court, shall have full Power and Authority to hear and determine all Offences and Defaults, done contrary to this Act, as well by Presentment and Information, as Indictment; and upon Conviction of the Offenders, to award Execution for the levying of the Forfeitures aforesaid, by *Fieri Facias*, *Attachment*, *Capias*, or *Exigent*. What Courts may hear and determine Offences against this Act.

CHAP. XXXIII.

An ACT *that the solemn Affirmation and Declaration of the People called* Quakers, *shall be accepted instead of an Oath.*

Passed 19th February, 1787.

I. BE *it Enacted by the People of the State of* New-York, *represented in Senate and Assembly, and it is hereby Enacted by the Authority of the same*, That every Quaker who shall be required, upon any lawful Occasion, to take an Oath, in any Case where by Law an Oath is required, shall, instead of the usual Form, be permitted to make his or her solemn Affirmation or Declaration, in the Words following, *to wit:* I —— ——, *do solemnly, sincerely and truly declare and affirm.* Which solemn Affirmation or Declaration shall be adjudged and taken, and is hereby enacted and declared, to be of the same Force and Effect, to all Intents and Purposes, in all Courts of Justice, and other Places where by Law an Oath is required, as if such Quaker had taken an Oath in the usual Form. Affirmation of Quakers allowed. Form thereof.

II. *And be it further Enacted by the Authority aforesaid*, That in all Cases wherein by any Act or Acts of the Legislature of this State, now in Force, or hereafter to be made, an Oath is or shall be allowed, authorised, directed or required, the solemn Affirmation or Declaration, in the Form above described, of any of the People who shall be a Member of the religious Society of the People called Quakers, or shall usually associate with the People called Quakers, in their religious Worship, or be generally reputed to be a Quaker, shall be allowed and taken instead of such Oath, although no particular or express Provision be made for that Purpose, in such Act or Acts: And all Persons who are or shall be authorised or required to administer such Oath, shall be, and hereby are authorised and required to administer the said Affirmation or Declaration. And the said solemn Affirmation or Declaration, so made as aforesaid, shall be adjudged and taken, and is hereby enacted and declared to be of the same Force and Effect, to all Intents and Purposes, in all Courts of Justice, and other Places where by Law an Oath is or shall be allowed, authorised, directed or required, as if such Quaker had taken an Oath in the usual Form. Such Affirmation to be received in all Cases where an Oath is allowed by Statute, whether mentioned or not.

III. *And be it further Enacted by the Authority aforesaid*, That if any Person making such solemn Affirmation or Declaration, shall be lawfully convicted of having wilfully, falsely and corruptly affirmed and declared any Matter or Thing, which, if the same had been deposed in the usual Form, would have amounted to wilful and corrupt Perjury, every Person so offending, shall Penalty for making false Affirmation.

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ſhall incur and ſuffer the like Pains, Penalties and Forfeitures, as by the Laws and Statutes of this State, are or ſhall be directed to be inflicted on Perſons convicted of wilful and corrupt Perjury.

Quakers exempted from ſerving on Juries in criminal Caſes, or ſerving as Aſſeſſors or Collectors.

IV. *Provided always, and be it further Enacted by the Authority aforeſaid,* That no Quaker, or reputed Quaker, ſhall, by Virtue of this Act, be compelled to ſerve on any Juries in criminal Caſes, nor to act as an Aſſeſſor or Collector; any Thing in this Act to the Contrary notwithſtanding.

CHAP. XXXIV.

An ACT *to amend the Charter of the Corporation for the Relief of the Widows and Children of Clergymen in the Communion of the Church of* England, *in* America.

Paſſed 19th February, 1787.

Stile of the Corporation.

I. BE *it Enacted by the People of the State of* New-York, *repreſented in Senate and Aſſembly, and it is hereby Enacted by the Authority of the ſame,* That the ſaid Corporation, hereafter, in all their Acts and Proceedings, and in all Suits, Pleas, Deeds, Gifts, Obligations, Matters and Things, in any wiſe reſpecting the ſame, ſhall be called and known by the Name or Stile of, *The Corporation for the Relief of the Widows and Children of Clergymen of the Proteſtant Epiſcopal Church, in the United States of* AMERICA; the ſaid Charter, or any Clauſe thereof, or Uſage thereupon, notwithſtanding.

Clauſe concerning Bye-Laws.

II. AND *whereas* it is provided by the ſaid Charter, that the Bye-Laws of the ſaid Corporation ſhall not be contrary to the Laws of that Part of *Great-Britain* called *England*; *Be it Enacted by the Authority aforeſaid,* That the ſaid Clauſe be, and the ſame hereby is repealed.

Proviſion inſtead thereof.

III. *And be it further Enacted and Provided,* Inſtead thereof, that the Bye-Laws or Regulations of the ſaid Corporation, ſhall not be repugnant to the Conſtitution or Laws of this State.

Clauſe concerning Settlement of Accounts repealed.

IV. *And be it further Enacted by the Authority aforeſaid,* That the laſt Clauſe in the ſaid Charter, ſubjecting the Accounts and Proceedings of the ſaid Corporation to the Reviſal and Ratification therein expreſſed, be, and the ſame is hereby repealed and annulled. *And it is hereby Enacted,* That the ſaid Accounts may, in the Manner directed by the ſaid Charter, hereafter be ratified and confirmed, by the Governor, the Chancellor and the Chief Juſtice of this State for the Time being, or any two of them; or be ſubjected by them, or any two of them, to ſuch Reviſal, Check and Confirmation, as by them, or any two of them, may be thought juſt and reaſonable.

How the Accounts of the Corporation to be reviſed.

Charter, as altered, confirmed.

V. *And be it further Enacted by the Authority aforeſaid,* That the ſaid Charter, and every Part thereof, as altered and amended by this Act, be, and the ſame hereby is confirmed; the Non-Uſer of the Powers and Privileges thereby granted, in any wiſe notwithſtanding.

CHAP. XXXV.

An ACT *concerning Counſellors, Attornies, Solicitors, Advocates and Proctors of the ſeveral Courts in this State.*

Paſſed 20th February, 1787.

In what Caſes Perſons may appear by Attornies.

I. BE *it Enacted by the People of the State of* New-York, *repreſented in Senate and Aſſembly, and it is hereby Enacted by the Authority of the ſame,* That it ſhall be lawful for all and every Perſon and Perſons whomſoever, of full Age

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Age and ſound Memory, other than Defendants in Caſes where corporal Puniſhments may be inflicted, to make and appear by his, her or their Attorney or Attornies, in all and every or any Suit, Action or Plea, real or perſonal, moved or to be moved, by or againſt him, her or them, in any Court in this State; and to commence, purſue, proſecute or defend the ſame Suit, Action or Plea, in Perſon, or by his, her or their Attorney or Attornies.

Warrants of Attorney how to be taken.

II. *And be it further Enacted by the Authority aforeſaid*, That all Warrants of Attorney of the Parties, or of any or either of them, in all Suits, Actions and Pleas, in any Court of Record, ſhall be taken before the Judges or Juſtices of the reſpective Courts in which the ſame Suit, Action or Plea is or ſhall be depending, or one of them, or before the Chancellor of this State for the Time being, who ſhall certify and ſend the Warrants of Attorney before him taken, to the Judges or Juſtices of the Court in which the Suit, Action or Plea is or ſhall be depending. *And further*, That ſuch as cannot conveniently come before any or either of the Judges or Juſtices of the Court in which ſuch Suit, Action or Plea is or may be depending, or before the Chancellor, to make his, her or their Attorney or Attornies in the ſame Suit, Action or Plea, may appear before ſuch Judges, Juſtices or Chancellor, or either of them, by his, her or their Agent or Attorney, having ſufficient Authority therefore in Writing, by Letter of Attorney or otherwiſe, from the Perſon or Perſons in whoſe Behalf ſuch Suit, Action or Plea is or may be depending; and in Caſes where it may be neceſſary, ſhall have a Writ out of the Chancery to ſome ſufficient Man, to receive his, her or their Warrant of Attorney in the ſame Suit, Action or Plea; and in all Caſes where any Infant is or ſhall be entitled to any Suit or Action, ſome or one of the next Friends of ſuch Infant ſhall be admitted, in Manner aforeſaid, to ſue and proſecute for ſuch Infant. And if any Infant is or ſhall be impleaded, a Guardian ſhall be appointed, in Manner aforeſaid, for ſuch Infant, to defend the ſame Suit, Action or Plea, for the ſame Infant.

What Perſons to be admitted as Counſellors, Attornies, Solicitors, Advocates or Proctors;

III. *And be it further Enacted by the Authority aforeſaid*, That no Perſon ſhall henceforth be admitted a Counſellor, Attorney, Solicitor, Advocate or Proctor, in any Court, but ſuch as have been brought up in the ſame Court, or are otherwiſe well practiſed in ſoliciting Cauſes, and have been found, by their Dealings, to be ſkilful, and of honeſt Diſpoſition; and that every Perſon hereafter to be admitted a Counſellor, Attorney, Solicitor, Advocate or Proctor of any Court, ſhall, before ſuch Admiſſion, be examined by the Judges or Juſtices of the ſame Court, and ſuch only as ſhall be found virtuous and of good Fame, and of ſufficient Learning and Ability, ſhall be admitted, and their Names ſhall be put in a Roll or Book to be kept in each Court reſpectively, for that Purpoſe; and each and every Perſon ſo admitted ſhall, upon ſuch Admiſſion, in open Court, take and ſubſcribe an Oath of Office in the Words following;

To take an Oath.

Form thereof.

I —— ——, *do ſwear, That I will truly and honeſtly demean myſelf in the Practice of an Attorney, (or of a Counſellor, Solicitor, or Proctor, or of an Advocate,* as the Caſe may be) *according to the Beſt of my Knowledge and Ability.*

Such as ſhall be found in Default, to be put out of the Roll, and diſqualified.

IV. *And be it further Enacted by the Authority aforeſaid*, That if any Counſellor, Attorney, Solicitor, Advocate or Proctor of any Court, heretofore admitted, or hereafter to be admitted, ſhall be found notoriouſly in Default of Record or otherwiſe, he ſhall be put out of the Roll, and never after be received to act as a Counſellor, Attorney, Solicitor, Advocate or Proctor, in any Court. *And further*, That when any Attorney ſhall die, or ceaſe to act, or be put out of the Roll of Attornies, the Perſons for whom he was Attorney, ſhall be warned to appoint another Attorney in his Place, ſo that in the mean Time no Damage or Prejudice may come to the Party.

In Caſe of Attorney's Death, the Party to be notified.

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V. *And be it further Enacted by the Authority aforeſaid*, That if any Counſellor, Attorney, Solicitor, Pleader, Advocate, Proctor, or other, do any Manner of Deceit or Colluſion, in any Court of Juſtice, or conſent unto it in Deceit of the Court, or to beguile the Court or the Party, and thereof be convicted, he ſhall be puniſhed by Fine and Impriſonment, and ſhall moreover pay to the Party grieved, treble Damages, and Coſts of Suit.

Penalty for deceiving the Court or Party.

VI. *And be it further Enacted by the Authority aforeſaid*, That if any Attorney, Solicitor or Proctor, do or ſhall wilfully delay his Client's Suit, to work his own gain, or wilfully demand, by his Bill, any Sums of Money or Allowance, for or upon Account of any Money which he hath not laid out or diſburſed, or become anſwerable for, in every ſuch Caſe the Party grieved ſhall have his or her Action againſt ſuch Attorney, Solicitor or Proctor, and recover therein treble Damages and Coſts of Suit: And ſuch Attorney, Solicitor or Proctor, ſhall thereupon be put out of the Roll, and be diſcharged from thenceforth from being an Attorney, Solicitor or Proctor any more.

Penalty on Attornies, Solicitors & Proctors, for delaying Suits, or demanding Money not due.

VII. *And be it further Enacted by the Authority aforeſaid*, That no Attorney, Solicitor or Proctor, ſhall commence any Suit or Action for Recovery of any Fees, Charges or Diſburſements, until *eight* Days after he ſhall have delivered to the Party to be charged therewith, or left for him or her, at his or her Dwelling-Houſe, or laſt Place of Abode, a Bill of ſuch Fees, Charges and Diſburſements, written in a common legible Hand, in the *Engliſh* Tongue, (except Law Terms, and the Names of Writs, and in Words at length, except Times and Sums, and ſuch Abbreviations as are commonly uſed in the *Engliſh* Language) ſubſcribed with the proper Hand of ſuch Attorney, Solicitor or Proctor.

Not to commence Suits for Fees, until *eight* Days after Bills delivered.

VIII. *And be it further Enacted by the Authority aforeſaid*, That the Attorney for the Plaintiff or Demandant, in every Action or Suit, ſhall file his Warrant of Attorney with the proper Officer of the Court where the Cauſe is or ſhall be depending, the ſame Term he declares, and the Attorney for the Defendant or Tenant ſhall file his Warrant of Attorney as aforeſaid, the ſame Term he appears, upon Pain to forfeit, for every Neglect or Offence, the Sum of *Ten Pounds*, to be recovered by Action of Debt, Bill, Plaint or Information; the one Moiety thereof to the Uſe of the People of this State, and the other Moiety thereof to the Officer to whom or in whoſe Office the ſame Warrant ſhould be delivered, entered or filed; and alſo to make Satisfaction to the Party grieved, according to the Diſcretion of the Court where any ſuch Default or Neglect ſhall be had or made.

Attornies to file their Warrants.

Repealed as to Penalty of 1ol. 11*th Seſſ. Ch.* 73. *Sec.* 2.

IX. *And be it further Enacted by the Authority aforeſaid*, That every Proceſs for arreſting, and every Writ of Execution, or ſome Label annexed, ſhall, before Service or Execution thereof, be ſubſcribed or indorſed with the Name of the Attorney or Perſon by whom the ſame Proceſs or Writ of Execution ſhall be ſued forth.

Attorney's Name to be put to Proceſs.

X. *And be it further Enacted by the Authority aforeſaid*, That if any Attorney of any Court of Record, ſhall knowingly and willingly permit or ſuffer any other Perſon to ſue out any Writ, or commence, proſecute or defend any Action or Suit, in his Name, and be thereof convicted, he ſhall be put out of the Roll of Attornies, and from the Time of ſuch Conviction, be diſabled to practiſe in ſuch Court. *And further*, That as well the ſame Attorney as he who ſhall ſue out any ſuch Writ, or commence, proſecute or defend any ſuch Action or Suit, ſhall each of them forfeit, for every ſuch Offence, the Sum of *Twenty Pounds;* the one Moiety thereof to the People of this State, and the other Moiety thereof to the Party grieved; to be recovered by Action of Debt, Bill, Plaint or Information, in any Court of Record.

No Attorney to ſuffer any other to ſue out a Writ in his Name.

Penalty on ſuch Attorney, and the Perſon iſſuing the Writ.

XI. *And*

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XI. *And be it further Enacted by the Authority aforeſaid*, That from and after the firſt Day of *May* next, no Clerk, or Regiſter, or Deputy Regiſter, of any Court, nor any Examiner, or Maſter of the Court of Chancery, ſhall act as a Counſellor, Attorney, Solicitor, Advocate or Proctor, in any Suit, Action or Matter in the ſame Court; and that no Under Sheriff, Sheriff's Clerk, Coroner or Bailiff, ſhall, during his Continuance in Office, act as Counſellor, Attorney, Solicitor, Advocate or Proctor, in any Court whatſoever. *Provided nevertheleſs*, That every ſuch Clerk, Regiſter, or Deputy Regiſter, Examiner, or Maſter of the Court of Chancery, who now practiſes as Counſellor, Attorney, Solicitor, Advocate or Proctor, ſhall and may proceed to proſecute ſuch Actions and Suits, in which he now is, or before the firſt Day of *May* next, ſhall be Attorney of Record, Solicitor or Proctor, until ſuch Suit or Action is finally concluded.

What Perſons not allowed to act as Counſellors, Attornies, Solicitors, Advocates or Proctors.

CHAP. XXXVI.

An ACT *concerning Tenures.*

Paſſed 20th February, 1787.

I. BE *it Enacted by the People of the State of* New-York, *repreſented in Senate and Aſſembly, and it is hereby Enacted by the Authority of the ſame*, That it ſhall forever hereafter be lawful for every Freeholder to give, ſell or alien the Lands or Tenements whereof he or ſhe is, or at any Time hereafter ſhall be, ſeiſed in Fee Simple, or any Part thereof, at his or her Pleaſure, ſo always that the Purchaſer ſhall hold the Lands or Tenements ſo given, ſold or aliened, of the Chief Lord, if there be any, of the ſame Fee, by the ſame Services and Cuſtoms by which the Perſon or Perſons making ſuch Gift, Sale or Alienation, before held the ſame Lands or Tenements. And if ſuch Freeholder give, ſell or alien only a Part of ſuch Lands or Tenements, to any, the Feoffee or Alienee ſhall immediately hold ſuch Part of the Chief Lord, and ſhall be forthwith charged with the Services for ſo much as pertaineth or ought to pertain to the ſaid Chief Lord, for the ſame Parcel, according to the Quantity of the Land or Tenement ſo given, ſold or aliened; and ſo in this Caſe, the ſame Part of the Service ſhall remain to the Lord to be taken by the Hands of the Feoffee or Alienee, for which he or ſhe ought to be attendant and anſwerable to the ſame Chief Lord, according to the Quantity of the Land or Tenement given, ſold or aliened, for the Parcel of the Service ſo due.

Freeholders may alien their Lands.

II. *And be it further Enacted by the Authority aforeſaid*, That all *Wardſhips*, *Liveries*, *Primer Seiſins* and *Ouſterlemains*, *Values* and *Forfeitures of Marriage*, by Reaſon of any Tenure by *Knights Service*, and all mean Rates, and all other Gifts, Grants and Charges incident or ariſing for or by Reaſon of *Wardſhips*, *Liveries*, *Primer Seiſins* or *Ouſterlemains*, ſhall be, and hereby are declared to be taken away and diſcharged, from the Thirtieth Day of *Auguſt*, in the Year of our Lord One Thouſand Six Hundred and Sixty-four: And that all *Fines for Alienations*, *Seiſures* and *Pardons for Alienations*, Tenure by *Homage*, and all *Charges* incident or ariſing for or by Reaſon of *Wardſhip*, *Livery*, *Primer Seiſin*, *Ouſterlemain*, or Tenure by *Knights Service*, *Eſcuage*, and alſo *Relief*, and *Aid Pur File Marrier*, and *Pur Fair Fitz Chivalier*, and all other *Charges* incident thereunto, ſhall be, and hereby are likewiſe declared to be taken away and diſcharged from the ſaid Thirtieth Day of *Auguſt*, in the Year of our Lord One Thouſand Six Hundred and Sixty-four; and that all Tenures by *Knights Service*, and by *Knights Service in Capite*, and by *Soccage in Capite*, and the Fruits and Conſequents thereof happened, and which ſhall or may hereafter happen or ariſe thereupon or thereby,

Charges incident to Knights Service taken away.

Fines for Alienation taken away.

Tenures by Knights Service aboliſhed.

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thereby, ſhall be, and hereby are declared to be taken away and diſcharged, and forever aboliſhed; any Law, Statute, Cuſtom or Uſage to the Contrary thereof in any wiſe notwithſtanding.

All Tenures of any Eſtate of Inheritance on 4th *July*, 1776, turned into free and common Soccage.

III. *And be it further Enacted by the Authority aforeſaid*, That all Tenures of any Honours, Manors, Lands, Tenements or Hereditaments, or of any Eſtate of Inheritance at the Common Law, held either of the King or of any other Perſon or Perſons, Bodies Politic or Corporate, at any Time before the *fourth* Day of *July*, in the Year of our Lord One Thouſand Seven Hundred and Seventy-ſix, are hereby declared to be turned into *free* and *common Soccage*, to all Intents and Purpoſes, and ſhall be conſtrued, adjudged and deemed to be *free* and *common Soccage* from the Time of the Creation thereof, and forever thereafter; and that the ſame Honours, Manors, Lands, Tenements and Hereditaments, ſhall forever hereafter ſtand and be diſcharged of all Tenure by *Homage*, *Eſcuage*, *Voyages Royal* and *Charges* for the ſame, *Wardſhips* incident to Tenure by *Knights Service*, and *Values* and *Forfeitures of Marriage*, and all other *Charges* incident to Tenure by *Knights Service*, and of and from *Relief*, *Aid Pur File Marrier*, and *Aid Pur Fair Fitz Chivalier*; any Law, Statute, Uſage or Cuſtom to the Contrary in any wiſe notwithſtanding.

How Conveyances and Deviſes to be expounded.

IV. *And be it further Enacted by the Authority aforeſaid*, That all Conveyances and Devices of any Manors, Lands, Tenements or Hereditaments, at any Time heretofore made, ſhall be expounded to be of ſuch Effect, as if the ſame Manors, Lands, Tenements and Hereditaments had been then held, and continued to be holden in *free* and *common Soccage* only; any Law, Statute, Cuſtom or Uſage to the Contrary hereof in any wiſe notwithſtanding.

This Act not to take away Rents or Services incident to common Soccage.

V. *Provided always, and be it further Enacted by the Authority aforeſaid*, That this Act, or any Thing herein contained, ſhall not take away, nor be conſtrued to take away or diſcharge, any Rents certain, or other Services incident or belonging to Tenure in common Soccage, due or to grow due to the People of this State, or any mean Lord, or other private Perſon, or the Fealty or Diſtreſſes incident thereunto.

Tenure of Lands granted by the State, to be *allodial*, and not *feudal*.

VI. *And be it further Enacted by the Authority aforeſaid*, That the Tenure upon all Gifts, Grants and Conveyances heretofore made, or hereafter to be made, of any Manors, Lands, Tenements or Hereditaments, of any Eſtate of Inheritance, by any Letters Patent under the great Seal of this State, or in any other Manner, by the People of this State, or by the Commiſſioners of Forfeitures, ſhall be and remain *Allodial*, and not *Feudal*, and ſhall forever hereafter be taken and adjudged to be and continue in free and pure *Allodium* only; and ſhall be forever diſcharged of all *Wardſhip*, *Value* and *Forfeiture of Marriage*, *Livery*, *Primer Seiſin*, *Ouſterlemain*, *Relief*, *Aid Pur File Marrier*, *Aid Pur Fair Fitz Chivalier*, *Rents*, *Renders*, *Fealty*, and all other *Services* whatſoever; any Law, Statute, Reſervation, Cuſtom or Uſage to the Contrary hereof in any wiſe notwithſtanding.

CHAP. XXXVII.

An ACT *concerning Uſes.*

Paſſed 20th February, 1787.

The Poſſeſſion of Lands ſhall be in him or them that have the Uſe.

I. BE *it Enacted by the People of the State of* New-York, *repreſented in Senate and Aſſembly, and it is hereby Enacted by the Authority of the ſame*, That where any Perſon or Perſons ſtand or be ſeiſed, or at any Time hereafter ſhall ſtand or be ſeiſed of and in any Manors, Meſſuages, Lands, Tenements, Rents,

Rents, Services, Reverſions, Remainders or other Hereditaments, to the Uſe, Confidence or Truſt of any other Perſon or Perſons, or of any Body Politic, by Reaſon of any Bargain, Sale, Feoffment, Fine, Recovery, Covenant, Contract, Agreement, Will or otherwiſe, by any Manner of Means whatſoever; in every ſuch Caſe, all and every ſuch Perſon and Perſons, and Bodies Politic that have, or hereafter ſhall have, any ſuch Uſe, Confidence or Truſt, in Fee Simple, for Term of Life or of Years, or otherwiſe, or any Uſe, Confidence or Truſt, in Remainder or Reverſion, ſhall from henceforth ſtand and be ſeiſed, deemed and adjudged, in lawful Seiſin, Eſtate and Poſſeſſion of and in the ſame Manors, Meſſuages, Lands, Tenements, Rents, Services, Reverſions, Remainders and Hereditaments, with their Appurtenances, to all Intents, Conſtructions, and Purpoſes in the Law, of and in ſuch like Eſtates, as they had, or ſhall have, in Uſe, Truſt or Confidence, of or in the ſame; and that the Eſtate, Title, Right and Poſſeſſion that was or ſhall be in ſuch Perſon or Perſons that were or hereafter ſhall be ſeiſed of any Lands, Tenements or Hereditaments, to the Uſe, Confidence or Truſt, of any ſuch Perſon or Perſons, or of any Body Politic, be from henceforth clearly deemed and adjudged to be in him, her or them, that have or hereafter ſhall have ſuch Uſe, Confidence or Truſt, after ſuch Quality, Manner, Form and Condition, as they had before, in or to the Uſe, Confidence or Truſt that was or ſhall be in them. *And further*, That where divers Perſons be, or hereafter ſhall be jointly ſeiſed of and in any Lands, Tenements, Rents, Reverſions, Remainders or other Hereditaments, to the Uſe, Confidence or Truſt, of any of them ſo jointly ſeiſed, in every ſuch Caſe the Perſon or Perſons who have, or hereafter ſhall have, any ſuch Uſe, Confidence or Truſt, in any ſuch Lands, Tenements, Rents, Reverſions, Remainders or Hereditaments, ſhall from henceforth have, and be deemed and adjudged to have, only to him or them that have, or hereafter ſhall have, ſuch Uſe, Confidence or Truſt, ſuch Eſtate, Poſſeſſion and Seiſin of and in the ſame Lands, Tenements, Rents, Reverſions, Remainders and other Hereditaments, in like Nature, Manner, Form, Condition and Courſe, as he or they had before, in the Uſe, Confidence or Truſt of the ſame Lands, Tenements, Rents, Reverſions, Remainders or Hereditaments; *ſaving and reſerving* to all and ſingular Perſons and Bodies Politic, their Heirs and Succeſſors, other than the Perſon or Perſons who be ſeiſed, or hereafter ſhall be ſeiſed of any Lands, Tenements or Hereditaments, to any Uſe, Confidence or Truſt, all ſuch Right, Title, Entry, Intereſt, Poſſeſſion, Rents and Action, as they, or any of them had, or might have had, before the making of this Act; *and ſaving and reſerving alſo*, to all and ſingular thoſe Perſons, and to their Heirs, who be, or hereafter ſhall be ſeiſed to any Uſe, all ſuch former Right, Title, Entry, Intereſt, Poſſeſſion, Rents, Cuſtoms, Services and Action, as they, or any of them, might have had, to his or their own proper Uſe, in or to any Manors, Lands, Tenements, Rents or Hereditaments, whereof they be, or hereafter ſhall be ſeiſed, to any other Uſe, as if this Act had never been made.

Where ſeveral Perſons are jointly ſeized to the Uſe of ſome or one of them, the Perſon or Perſons who have the Uſe, to be deemed to be in Poſſeſſion;

Saving to Strangers their Right.

II. *And be it further Enacted by the Authority aforeſaid*, That where any Perſon or Perſons, ſtand and be ſeiſed, or hereafter ſhall ſtand and be ſeiſed of and in any Lands, Tenements or Hereditaments, in Fee Simple or otherwiſe, to the Uſe or Intent that ſome other Perſon or Perſons ſhall have and perceive yearly to them, and to his or their Heirs, one annual Rent of *Ten Pounds*, or more or leſs, out of the ſame Lands, Tenements and Hereditaments, and ſome other Perſon or Perſons one other annual Rent to him or them and their Aſſigns, for Term of Life or Years, or for ſome other ſpecial Time, according to ſuch Intent and Uſe as heretofore hath been, or hereafter ſhall be declared, limited and made thereof, in every ſuch Caſe, the ſame Perſons, their Heirs and Aſſigns, and every of them, who have ſuch Uſe and

Where any Perſon is ſeized of Lands to the Uſe that Rent ſhall be paid to any other, the Perſon to whoſe Uſe the Rent is reſerved, ſhall be deemed to be in Poſſeſſion.

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Intereſt, to have and perceive any ſuch annual Rents, out of any Lands, Tenements or Hereditaments, ſhall be adjudged and deemed to be in Poſſeſſion and Seiſin of the ſame Rent, of and in ſuch like Eſtate as they had in the Title, Intereſt or Uſe of the ſaid Rent or Profit, and as if a ſufficient Grant or other lawful Conveyance had been made and executed to them, by ſuch as were or ſhall be ſeiſed, to the Uſe or Intent of any ſuch Rent to be had, made or paid, according to the very Truſt and Intent thereof; and that all and every ſuch Perſon and Perſons as have or hereafter ſhall have any Title, Uſe and Intereſt, in or to any ſuch Rent or Profit, ſhall lawfully diſtrain for Non-payment of the ſaid Rent, and in their own Names make Avowries, or by their Bailiffs or Servants make Cognizances and Juſtifications, and have all other Suits, Entries and Remedies for ſuch Rents, as if the ſame Rents had been actually and really granted to them, with ſufficient Clauſes of Diſtreſs, Re-entry or otherwiſe, according to ſuch Conditions, Pains, or other Things limited and appointed, upon the Truſt and Intent, for Payment or Surety of ſuch Rent.

And may diſtrain or bring Suits for the ſame.

III. *And be it further Enacted by the Authority aforeſaid*, That all and ſingular Perſon and Perſons, and Bodies Politic, which have or ſhall have any Eſtate unto them executed, of and in any Lands, Tenements or Hereditaments, by the Authority of this Act, ſhall and may have and take the ſame or like Advantage, Benefit, Voucher, Aid-Prayer, Remedy, Commodity, and Profit, by Action, Entry, Condition, or otherwiſe, to all Intents, Conſtructions and Purpoſes as the Perſon or Perſons ſeiſed to their Uſe, of, or in any ſuch Lands, Tenements or Hereditaments ſo executed, had, ſhould, might, or ought to have had at the Time of the Execution of the Eſtate thereof, by the Authority of this Act, againſt any other Perſon or Perſons, of or for any Waſte, Diſſeiſin, Treſpaſs, Condition broken, or any other Offence, Cauſe or Thing, concerning or touching the ſaid Lands or Tenements, ſo executed by the Authority of this Act.

The *Ceſtui que Uſe* may take all Advantages as his Feoffers might have had.

IV. *And be it further Enacted by the Authority aforeſaid*, That it ſhall and may be lawful for every Sheriff, and other Officer to whom any Writ or Precept is or ſhall be directed, at the Suit of any Perſon or Perſons, of, for and upon any Judgment or Recognizance, made or had, or hereafter to be made or had, to do, make and deliver Execution unto the Party in that Behalf ſuing, of all ſuch Lands, Tenements, Rents and Hereditaments, as any other Perſon or Perſons be, in any Manner of Wiſe ſeiſed or poſſeſſed, or hereafter ſhall be ſeiſed or poſſeſſed, to the Uſe or in Truſt for him againſt whom Execution is ſo ſued, like as the Sheriff or other Officer might or ought to have done, if the ſaid Party againſt whom Execution is or ſhall be ſo ſued, had been ſeiſed of ſuch Lands, Tenements, Rents or other Hereditaments, of ſuch Eſtate as he is or ſhall be ſeiſed of, in the Uſe or Truſt, at the Time of the ſaid Execution ſued; and ſuch Lands, Tenements, Rents, and other Hereditaments, by Force and Virtue of ſuch Execution, ſhall accordingly be held and enjoyed, freed, and diſcharged of all Incumbrances of ſuch Perſon or Perſons as are or ſhall be ſo ſeiſed or poſſeſſed, to the Uſe or in Truſt for the Perſon againſt whom ſuch Execution is or ſhall be ſued; and if any Perſon intitled to, or having any ſuch Uſe or Truſt, hath deviſed, or ſhall deviſe the ſame, by his laſt Will, or hath died, or ſhall die inteſtate leaving the ſame to deſcend to his Heirs, the ſame ſhall be liable to the Debts of the Teſtator or Inteſtate, and deemed and taken to be Aſſets in the Hands of the Heirs or Deviſees, who ſhall be chargeable for the ſame, in like Manner as they are by Law chargeable and liable in Caſes where Lands or Tenements deſcend, or are deviſed to them, and not otherwiſe.

Lands liable to Execution upon Judgments againſt *Ceſtui que Uſe*;

And ſhall be Aſſets in the Hands of his Heirs or Deviſees.

V. *And be it further Enacted by the Authority aforeſaid*, That every Eſtate, Feoffment, Gift, Releaſe, Grant, Leaſe and Confirmation of Lands, Tene-

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ments, Rents, Services or Hereditaments, made or had, or hereafter to be made or had, by any Perſon or Perſons, being of full Age, of ſound Mind, at large, and not in Dureſs, to any Perſon or Perſons, and all Recoveries and Executions had or made, or to be had or made, ſhall be good and effectual to him, her or them, to whom it is ſo made, had or given, and to all others, to his, her or their Uſe, againſt the Seller, Feoffor, Donor or Grantor thereof, and againſt the Sellers, Feoffors, Donors or Grantors, his, her and their Heirs, claiming the ſame only as Heir or Heirs to the ſame Sellers, Feoffors, Donors or Grantors, and every of them, and againſt all others having or claiming any Title or Intereſt in the ſame, only to the Uſe of the ſame Seller, Feoffor, Donor or Grantor, Sellers, Feoffors, Donors or Grantors, or his, her or their ſaid Heirs, at the Time of the Bargain, Sale, Covenant, Gift or Grant made.

Grants and Conveyances to be good againſt the Sellers and Grantors, and their Heirs, and all Perſons claiming to their Uſe.

CHAP. XXXVIII.

An ACT *for ſettling Inteſtates Eſtates, proving Wills, and granting Adminiſtrations.*

Paſſed 20th February, 1787.

I. BE *it Enacted by the People of the State of* New-York, *repreſented in Senate and Aſſembly, and it is hereby Enacted by the Authority of the ſame,* That Adminiſtration of the Goods, Chattels and Credits of any Perſon dying inteſtate, ſhall be committed or granted to the Widow, or next of Kin of the Inteſtate, or to ſome or one of them, if they, or any, or either of them will accept the ſame; and if neither of them will accept the ſame, then to ſuch other proper Perſon or Perſons as will accept the ſame; and ſuch Adminiſtrators ſhall have the Benefit, and incur the Charge of, and be accountable as Executors.

To whom Adminiſtration of Inteſtates Eſtates to be granted.

II. *And be it further Enacted by the Authority aforeſaid,* That juſt and equal Diſtribution of what remaineth clear, of the Goods and perſonal Eſtate of any Perſon dying inteſtate, after all Debts, Funeral Charges, and juſt Expences of every Sort firſt allowed and deducted, ſhall be made amongſt the Wife and Children, or Childrens Children, if any ſuch there be, or otherwiſe to the next of Kindred to the Inteſtate, in equal Degree, or legally repreſenting their Stocks, each according to his or her reſpective Right, purſuant to the Laws in ſuch Caſes, and the Rules and Limitations herein after ſet down.

Diſtribution to be made among the next of Kin to the Inteſtate.

III. *And be it further Enacted by the Authority aforeſaid,* That the whole Surpluſage of the Goods and perſonal Eſtate of every Perſon dying inteſtate, ſhall be diſtributed in Manner and Form following; *That is to ſay,* One third Part of the Surpluſage to the Wife of the Inteſtate, and all the Reſidue, by equal Portions, to and amongſt the Children of ſuch Perſons dying Inteſtate, and ſuch Perſons as legally repreſent ſuch Children, in Caſe any of the ſaid Children be then dead, other than ſuch Child or Children who ſhall have any Eſtate by Settlement, or ſhall be advanced by the Inteſtate, in his Life-Time, by Portion or Portions, equal to the Share which ſhall, by ſuch Diſtribution, be allotted to the other Children to whom ſuch Diſtribution is to be made; and in Caſe any Child ſhall have any Eſtate by Settlement, from the ſaid Inteſtate, or ſhall be advanced by the ſaid Inteſtate, in his Life-Time, by Portion not equal to the Share which will be due to the other Children by ſuch Diſtribution as aforeſaid, then ſo much of the Surpluſage of the Eſtate of ſuch Inteſtate ſhall be diſtributed to ſuch Child or Children as ſhall have any Land by Settlement from the Inteſtate, or were advanced in the Life-Time of the Inteſtate, as ſhall make the Eſtate of all the ſaid Children to be

In what Manner ſuch Diſtribution to be made.

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be equal, as near as can be eſtimated. And in Caſe there be no Children, nor any legal Repreſentatives of them, then one Moiety of the ſaid Eſtate ſhall be allotted to the Wife of the ſaid Inteſtate, and the Reſidue of the ſaid Eſtate ſhall be diſtributed equally to every of the next of Kindred of the Inteſtate, who are, in equal Degree, and thoſe who repreſent them; but no Repreſentation ſhall be admitted among Collaterals, after Brothers and Siſters Children. And in Caſe there be no Wife, then all the ſaid Eſtate to be diſtributed equally to and amongſt the Children; and in Caſe there be no Child, then to the next of Kindred in equal Degree of, or unto the Inteſtate, and their legal Repreſentatives as aforeſaid, and in no other Manner whatſoever.

Where the Eſtate of a Child ſhall be divided between the Mother, Brothers and Siſters.

IV. *And be it further Enacted by the Authority aforeſaid*, That if after the Death of a Father, any of his Children ſhall die inteſtate, without Wife or Children, in the Life-Time of the Mother, every Brother and Siſter, and the Repreſentatives of them, ſhall have an equal Share with her; any Thing in this Act, or any Law, Uſage or Cuſtom to the Contrary notwithſtanding.

This Act not to extend to *Feme Coverts* dying inteſtate.

V. *And be it further Enacted by the Authority aforeſaid*, That neither this Act, nor any Thing therein contained, reſpecting the Diſtribution of Inteſtates Eſtates, ſhall be conſtrued to extend to the Eſtates of *Feme Coverts* that ſhall die inteſtate, but that their Huſbands may demand and have Adminiſtration of their Rights, Credits and other perſonal Eſtates, and recover and enjoy the ſame as fully as they might have done before the paſſing of this Act.

Surrogates to be appointed in each County.

VI. *And be it further Enacted by the Authority aforeſaid*, That it ſhall and may be lawful to and for the Perſon adminiſtring the Government of this State for the Time being, by and with the Advice and Conſent of the Council of Appointment, from Time to Time, and at all Times hereafter, to nominate and appoint, during the Pleaſure of the ſaid Council, and commiſſionate, under the Great Seal of this State, a Surrogate in each and every County of

Their Power and Duty.

this State, who ſhall be, and hereby are reſpectively authoriſed and empowered to take the Proof of the laſt Wills and Teſtaments, and Codicils, of all Perſons dying in the ſeveral Counties for which ſuch Surrogates ſhall be reſpectively appointed and commiſſioned, and to make and iſſue Probates thereof, and to grant Letters Teſtamentary thereon, and to grant Adminiſtrations, with the Will annexed, in all Caſes where it may be neceſſary or proper, and to grant Letters of Adminiſtration of the Goods, Chattels, and Credits of all Perſons dying inteſtate in the reſpective Counties for which ſuch Surrogates ſhall be reſpectively appointed and commiſſioned. And if it ſo happen that any Perſon who is or ſhall be an Inhabitant in any Part of this State, ſhall die while abſent from Home upon a Journey or Buſineſs, the Will of ſuch Perſon, if he or ſhe ſhall have made any, ſhall be proved before, and the Probate thereof granted, or if ſuch Perſon ſhall die inteſtate, Adminiſtration of his or her Goods, Chattels and Credits, ſhall be granted by

Letters Teſtamentary and Letters of Adminiſtration to be in the Name of the People of this State, and teſted by the Surrogate.

the Surrogate of the County where ſuch Perſon ſo dying was an Inhabitant, as if ſuch Perſon had died at Home. *And further*, That ſuch Letters Teſtamentary and Adminiſtrations ſhall be made in the Name of the People of the State of *New-York*, and teſted in the Name of the Surrogate who ſhall grant or iſſue the ſame, and be ſealed with his Seal of Office; and all ſuch Probates, Letters Teſtamentary, and Adminiſtrations, ſhall be as good, valid and effectual, to all Intents and Purpoſes, as if the ſame were made, granted and iſſued by the Judge of the Court of Probates of this State; any Law, Uſage or Cuſtom to the Contrary notwithſtanding.

VII. *And be it further Enacted by the Authority aforeſaid*, That each of the ſaid Surrogates ſhall, at his own Expence, cauſe a Seal to be made for his Office,

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Office, with such Device as they may respectively think proper, upon which Seal shall be inscribed the Name of the County for which it is to be used, and the Words, *Surrogate Seal*, and shall deliver a Description in Writing of such Seal to the Secretary of this State, who shall deposit and record the same in his Office, there to remain as a public Record of this State.

Surrogates to provide Seals of Office.

VIII. *And be it further Enacted by the Authority aforesaid*, That each of the said Surrogates shall record (in Books to be provided for that Purpose, at his own Expence) all Wills proved before him, together with the Proof thereof, and all Letters Testamentary and Administrations by him issued or granted, with all Things concerning the same; which Records shall be of the same Force, Validity and Effect, as the like Records in the Office of the Judge of the Court of Probates of this State. *And further*, That all Wills proved before any such Surrogate, shall, upon Demand, after the same are copied by the Surrogate, be returned to the Person who delivered the same to such Surrogate; or in Case of the Death, Insanity or Removal of such Person from this State, before the Will shall be delivered to such Person, then such Will to be returned to any Devisee named in such Will, or to the Heirs or Assigns of such Devisee; and in Case of Demand of such Will from the Surrogate, by such Devisee, or the Heirs or Assigns of such Devisee, on the Suggestion of the Death, Insanity or Removal from this State, of the Person who delivered the Will, the Surrogate shall not be compelled to deliver such Will, until the Truth of the Suggestion shall be proved to him, by the Oath of a Witness or Witnesses, and which Witnesses the Surrogate is authorised and required to examine on Oath, touching the Truth of the Suggestion.

To record Wills and Letters of Administration, &c.

Wills being recorded to be returned.

IX. *And be it further Enacted by the Authority aforesaid*, That every Surrogate so to be appointed and commissioned, shall, before he enters upon the Execution of his Office, take and subscribe the following Oath, *to wit:*

Surrogates to take an Oath.

I —— ——, *Surrogate of the County of* ——, *do solemnly and sincerely promise and swear, That I will in all Things, well and faithfully execute the Office of Surrogate of the said County, according to the Best of my Knowledge and Ability.*

Form thereof.

And further, That upon the Death or Removal from Office of any such Surrogate, the said Seal, and all original Wills, with all Records, Books and Papers belonging to the said Office, shall be delivered over to the Successor in Office, upon the Oath of the preceding Surrogate, or of his Executors or Administrators, in Case of his Death.

In Case of Surrogate's Death, Records to be delivered to his Successor, upon Oath.

X. *And be it further Enacted by the Authority aforesaid*, That in all Cases where a Caveat shall be entered in the Office of any such Surrogate, or any Objection be made against the proving of any Will, or granting of Administration of the Goods, Chattels and Credits of any Person, who is or shall be an Inhabitant of the County for which such Surrogate shall be appointed and commissioned, such Surrogate shall cause the Parties and Witnesses to be cited to appear before him, and hear and determine the Matter in Controversy according to Law, and grant and issue such Probates, Letters Testamentary or Administrations, as shall be agreeable to Law and Justice; *saving* to every one conceiving him, her or themselves aggrieved, his, her and their Right of Appeal to the Judge of the Court of Probates of this State, so as such Appeal be taken within *fifteen* Days next after the Order or Sentence appealed from be made.

Manner of proceeding where a *Caveat* is entered.

XI. *And be it further Enacted by the Authority aforesaid*, That in all Cases of Persons dying out of this State, or of Persons dying within this State, not Inhabitants of this State, their Wills shall be proved before, and Administrations of their personal Estates, when necessary, be granted by the Judge of the Court of Probates of this State, in the Manner heretofore used, and before or by no other Person.

Judge of Probates to prove Wills, and grant Administrations of Persons dying out of the State, or who are not Inhabitants.

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XII. *And be it further Enacted by the Authority aforeſaid*, That the Judge of the Court of Probates of this State, and the Surrogates of each of the reſpective Counties of this State, and every of them, for the Time being, ſhall and may, upon their reſpective granting and committing of Adminiſtration of the Goods of Perſons dying inteſtate, take of the reſpective Perſon or Perſons to whom ſuch Adminiſtration ſhall be committed, except where Adminiſtration ſhall be granted to a Huſband, of the Goods, Chattels and Credits of his Wife, ſufficient Bonds, with two or more able Sureties, to the People of the State of *New-York*, in ſuch Penalty as the ſaid Judge or Surrogate ſhall think reaſonable, Reſpect being had to the Value of the Eſtate; with Condition as follows, *to wit;*

Bonds to be taken of Perſons to whom Adminiſtration is granted.

Form of Condition thereof.

THE CONDITION *of this Obligation is ſuch, That if the above bound* —— ——, *Adminiſtrator of all and ſingular the Goods, Chattels and Credits of* —— ——, *deceaſed, do make, or cauſe to be made, a true and perfect Inventory of all and ſingular the Goods, Chattels and Credits of the ſaid Deceaſed, which have or ſhall come to the Hands, Poſſeſſion or Knowledge of the ſaid* —— ——, *or into the Hands or Poſſeſſion of any other Perſon or Perſons for the ſaid* —— ——, *and the ſame ſo made, do exhibit, or cauſe to be exhibited* (where ſuch Bond ſhall be taken by the Judge of the Court of Probates) *into the Regiſtry of the Court of Probates of this State* (but where ſuch Bond ſhall be taken by a Surrogate) *into the Office of the Surrogate of the County of* ——, *at or before the Expiration of ſix Calendar Months from the Date of the above written Obligation, and the ſame Goods, Chattels and Credits, and all other Goods, Chattels and Credits of the ſaid Deceaſed, at the Time of* —— *Death, which at any Time after ſhall come to the Hands or Poſſeſſion of the ſaid* —— ——, *or into the Hands or Poſſeſſion of any other Perſon or Perſons for the ſaid* —— ——, *do well and truly adminiſter according to Law; and further, when thereunto lawfully required, do make, or cauſe to be made, a juſt and true Account of Adminiſtration; and all the Reſt and Reſidue of the ſaid Goods, Chattels and Credits, which ſhall be found remaining upon the ſaid Adminiſtrators Account, the ſame being firſt examined and allowed of by the Judge of the Court of Probates of this State for the Time being, ſhall deliver and pay unto ſuch Perſon or Perſons reſpectively, as the ſaid Judge, by his Decree or Sentence, ſhall, purſuant to the true Intent and Meaning of the Act, entitled,* An *Act* for ſettling Inteſtates Eſtates, proving Wills and granting Adminiſtrations, *limit and appoint; and if it ſhall hereafter appear, that any laſt Will and Teſtament was made by the ſaid Deceaſed, and the Executor or Executors therein named, or any other Perſon or Perſons, do exhibit the ſame, and requeſt to have it allowed and approved; then if the ſaid* —— ——, *being thereunto required, do render and deliver the Letters of Adminiſtration granted on the Eſtate of the ſaid Deceaſed, to the Office from which the ſame were iſſued; then this Obligation to be void and of none Effect, or elſe to remain in full Force and Virtue.*

Proceedings in Caſe of Forfeiture of the Bond.

WHICH Bonds ſhall be good, to all Intents and Purpoſes, and pleadable in any Courts of Juſtice. And in Caſe any ſuch Bonds ſhall become forfeited, it ſhall and may be lawful for the Judge of the Court of Probates of this State, to cauſe the ſame to be proſecuted in any Court of Record, at the Requeſt of any Party grieved by ſuch Forfeiture; and the Monies recovered upon ſuch Bond ſhall be applied towards making good the Damages ſuſtained by the not performing the ſaid Condition, in ſuch Manner as the ſaid Judge ſhall, by his Sentence or Decree, direct.

Judge of Probates to call Adminiſtrators to Account, and decree Diſtribution;

And further, That it ſhall and may be lawful to and for the Judge of the Court of Probates of this State, to call ſuch Adminiſtrators to Account for and touching the Goods, Chattels and Credits of any Perſon dying inteſtate, and upon hearing and due Conſideration thereof, to order and make juſt and equal Diſtribution of what remaineth clear, after Debts, Funeral Charges and juſt Expences of every Sort, firſt allowed and deducted, according to the Laws in ſuch Caſes, and the Rules and Limitations in this Act mentioned; and the ſame Diſtributions to

decree

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decree and ſettle, and to compel ſuch Adminiſtrators to obſerve and pay the ſame by due Courſe of Law; and alſo to hear and determine all Cauſes touching any Legacy or Bequeſt in any laſt Will and Teſtament, payable or coming out of the perſonal Eſtate of the Teſtator, and to decree and compel Payment thereof; *ſaving* to every one ſuppoſing him, her or themſelves aggrieved, his, her and their Right of Appeal.

And alſo to determine concerning Legacies;

XIII. *And be it further Enacted by the Authority aforeſaid*, That if any Perſon or Perſons ſhall neglect or refuſe to perform any ſuch Sentence or Decree of the Judge of the Court of Probates of this State, it ſhall and may be lawful to and for the Judge of the ſaid Court for the Time being, to cauſe ſuch Perſon or Perſons, by Proceſs directed to any Sheriff of any County of this State, to be taken and impriſoned until he, ſhe or they ſhall perform the ſame Sentence or Decree; and every Sheriff is hereby directed to cauſe all ſuch Proceſs to him at any Time directed, to be duly executed, and to confine the Perſons againſt whom ſuch Proceſs ſhall be iſſued, as in Execution, until they ſhall be delivered by due Courſe of Law; and if any Sheriff ſhall neglect his Duty therein, he ſhall be anſwerable to the Party grieved, in ſuch Manner as he would be anſwerable upon Proceſs of the like Nature iſſuing out of the Supreme Court.

And to iſſue Writs of Execution, to compel Performance of his Decree.

Sheriff to execute the ſame.

XIV. *And be it further Enacted by the Authority aforeſaid*, That no Diſtribution of the Goods, Chattels and Credits of any Perſon dying inteſtate, ſhall be made until after one Year be fully expired after granting Adminiſtration thereof; and that each and every one to whom any Diſtribution and Share ſhall be alloted, or any Legacy or Bequeſt paid or delivered, ſhall give Bond, with ſufficient Sureties, to the Adminiſtrators or Executors, that if any Debt or Debts truly owing by the Inteſtate or Teſtator, as the Caſe may be, ſhall be afterwards ſued for and recovered, or otherwiſe duly made to appear, and which there ſhall be no other Aſſets to pay; that then, and in every ſuch Caſe, he or ſhe ſhall, reſpectively, refund and pay back to the Adminiſtrators or Executors, his or her rateable Part of ſuch Debt or Debts, and of the Coſts of Suit and Charges by Reaſon of ſuch Debt or Debts, out of the Part and Share ſo alloted to him or her, or out of ſuch Legacy, thereby to enable the ſaid Adminiſtrators or Executors to ſatisfy ſuch Debt or Debts.

No Diſtribution to be made until the Expiration of *One Year*.

Legatees to give Bond, with Sureties, to refund.

XV. *And be it further Enacted by the Authority aforeſaid*, That no Adminiſtrator or Executor ſhall be cited to the ſaid Court of Probates, to render an Account of the perſonal Eſtate of his Inteſtate or Teſtator, otherwiſe than by an Inventory or Inventories thereof, unleſs it be at the Inſtance or Proſecution of ſome Perſon or Perſons in Behalf of a Minor, or having a Demand out of ſuch perſonal Eſtate, as a Creditor, Legatee, or next of Kin, nor be compellable to account before the ſaid Court, otherwiſe than as is aforeſaid; any Thing in this Act, or any Law, Uſage or Cuſtom to the Contrary notwithſtanding.

No Adminiſtrator or Executor to be cited to render an Account, unleſs in Behalf of a Minor, or at the Inſtance of a Party intereſted.

XVI. *And be it further Enacted by the Authority aforeſaid*, That in all Caſes where any Adminiſtration ſhall be granted, with a Will or Teſtament annexed, either by the Judge of the Court of Probates of this State, or by any Surrogate of any County of this State, the Will of the Deceaſed in ſuch Teſtament expreſſed, ſhall be obſerved and performed. *And further*, That all former Proceedings according to the Proviſions of ſuch Laws as were in Force before the paſſing of this Act, and all Rights and Claims agreeable to the Proviſoes of this Act, ſhall be, and hereby are confirmed.

Where Adminiſtration is granted with the Will annexed, the Will to be obſerved.

Proceedings according to former Laws confirmed.

[*The 17th Section of this Act is repealed*, 12*th Seſſ. Ch.* 25. *Sec.* 8.]

XVIII. *And*

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If Goods of the Teſtator or Inteſtate do not exceed 15l. no Fees to be allowed.

XVIII. *And be it further Enacted by the Authority aforeſaid*, That wherever it ſhall appear to the Surrogate, by the Oath of the Perſon applying for Letters Teſtamentary or Letters of Adminiſtration, that the Goods, Chattels and Credits of the Teſtator or Inteſtate, do not exceed in Value the Sum of *Fifteen Pounds*, no Fees ſhall be exacted by or paid to the Surrogate, on granting Letters Teſtamentary, or Letters of Adminiſtration, of the Goods, Chattels and Credits of ſuch Teſtator or Inteſtate; any Thing herein before contained to the Contrary thereof in any wiſe notwithſtanding.

Former Laws repealed.

XIX. *And be it further Enacted by the Authority aforeſaid*, That the ſeveral Acts of the Legiſlature of the late Colony of *New-York*, *For the ſupervi ſing Inteſtates Eſtates, and regulating the Probate of Wills, and granting Letters of Adminiſtration*, and for extending the ſame to ſeveral Counties; and, *For the better ſettling of Inteſtates Eſtates*, ſhall be, and hereby are repealed.

Court of Surrogates and Probates to proceed as Courts having Juriſdiction of ſuch Caſes;

But not to inflict Eccleſiaſtical Penalties.

XX. *And be it further Enacted by the Authority aforeſaid*, That the Courts of the ſaid Surrogates, and the ſaid Court of Probates, in the Matters ſubmitted to their Cognizance reſpectively by this Act, ſhall proceed according to the Courſe of the Courts having by the Common Law Juriſdiction of the like Matters: *Provided*, That the ſame ſhall not be conſtrued to extend to the inflicting any Eccleſiaſtical Pains or Penalties whatſoever.

Judge of Probates to exerciſe former Powers till the firſt of *May*, 1787.

XXI. *Provided always, and be it further Enacted by the Authority aforeſaid*, That it ſhall and may be lawful for the Judge of the Court of Probates, and the Surrogates in the ſeveral Counties within this State, to continue to exerciſe the like Powers they were reſpectively veſted with immediately before the paſſing of this Act, until the firſt Day of *May* next.

CHAP. XXXIX.

An ACT *for the better ſecuring the Liberty of the Citizens of this State, and for Prevention of Impriſonments.*

Paſſed 21ſt February, 1787.

Preamble.

WHEREAS great Delays have been uſed by Sheriffs, Gaolers and other Officers, to whoſe Cuſtody Perſons have been committed for criminal, or ſuppoſed criminal Matters, in making Return of Writs of *Habeas Corpus* to them directed, and by other Shifts to avoid their yielding Obedience to ſuch Writs, contrary to their Duty and the known Laws of the Land, whereby many Perſons have been, and hereafter may be long detained in Priſon, in ſuch Caſes where by Law they are bailable, to their great Charges and Vexation: For the Prevention whereof, and the more ſpeedy Relief of all Perſons impriſoned for any ſuch criminal, or ſuppoſed criminal Matters;

Sheriffs, Gaolers & others to return Writs of *Habeas Corpus* within a certain Time.

I. *Be it Enacted by the People of the State of* New-York, *repreſented in Senate and Aſſembly, and it is hereby Enacted by the Authority of the ſame*, That whenſoever any Perſon or Perſons ſhall bring any *Habeas Corpus* directed to any Sheriff, Gaoler, Miniſter or other Perſon or Perſons whatſoever, for any Perſon in his or their Cuſtody, and the ſaid Writ ſhall be ſerved upon the ſaid Officer, or other Perſon or Perſons, or left at the Gaol or Priſon, with any of the Under Officers, Under Keepers, or Deputy of the ſaid Officers or Keepers, that the ſaid Officer or Officers, his or their Under Officers, Under Keepers, or Deputies, or other Perſon or Perſons, ſhall, within *three* Days after the Service thereof as aforeſaid (unleſs the Commitment aforeſaid were for Treaſon or Felony, plainly and ſpecially expreſſed in the Warrant of Commitment) upon Payment or tender of Charges of bringing the ſaid Priſoner,

Priſoner, to be aſcertained by the Judge or Court that awarded the ſame, and indorſed upon the ſaid Writ, not exceeding *Twelve Pence* per Mile, and upon Security given, by his own Bond, to pay the Charges of carrying back the Priſoner, if he ſhall be remanded by the Court or Judge, to which he ſhall be brought, according to the true Intent of this Act, and that he will not make any eſcape by the Way; make Return of ſuch Writ, and bring or cauſe to be brought the Body of the Party ſo committed or reſtrained, unto or before the Chancellor of this State for the Time being, or the Juſtices of the Supreme Court, or unto or before ſuch of them before whom the ſaid Writ is made returnable, according to the Command thereof, and ſhall then likewiſe certify the true Cauſes of his Detainer or Impriſonment, unleſs the Commitment of the ſaid Party be in a Place beyond the Diſtance of Twenty Miles from the Place or Places where ſuch Court, or Perſon is or ſhall be reſiding; and if beyond the Diſtance of Twenty Miles and not above One Hundred Miles, then within the Space of Ten Days; and if beyond the Diſtance of One Hundred Miles, then within the Space of Twenty Days after ſuch Delivery as aforeſaid, and not longer.

How ſuch Writs are to be marked and ſigned.

II. And to the Intent that no Sheriff, Gaoler, or other Officer may pretend Ignorance of the Import of any ſuch Writ; *Be it further Enacted by the Authority aforeſaid*, That all ſuch Writs ſhall be marked in this Manner, "*By the Statute*," and be ſigned by the Perſon that awards the ſame; and if any Perſon or Perſons ſhall be or ſtand committed or detained as aforeſaid, for any Crime, unleſs for Treaſon or Felony plainly expreſſed in the Warrant of Commitment, in the Vacation Time, and out of Term, it ſhall and may be lawful to and for the Perſon or Perſons ſo committed or detained, (other than Perſons convict, or in Execution by legal Proceſs) or any one on his or their Behalf, to apply or complain to the Chancellor, or any one of the Juſtices of the Supreme Court; and the ſaid Chancellor or Juſtices, or any of them, upon view of the Copy or Copies of the Warrant or Warrants of Commitment and Detainer, or otherwiſe, upon Oath made that ſuch Copy or Copies were denied to be given by ſuch Perſon or Perſons in whoſe Cuſtody the Priſoner or Priſoners is or are detained, are hereby authoriſed and required, upon Requeſt made in Writing, by ſuch Perſon or Perſons, or any on his, her or their Behalf, atteſted and ſubſcribed by two Witneſſes who were preſent at the Delivery of the ſame, to award and grant an *Habeas Corpus*, under the Seal of ſuch Court whereof he ſhall then be one of the Judges, to be directed to the Officer or Officers, or Perſon or Perſons in whoſe Cuſtody the Party ſo committed or detained ſhall be, returnable *immediately* before the ſaid Chancellor or Juſtice of the ſaid Supreme Court; and upon Service thereof as aforeſaid, the Officer or Officers, his or their Under Officer or Under Officers, Under Keeper or Under Keepers, or their Deputy, or Perſon or Perſons, in whoſe Cuſtody the Party is ſo committed or detained, ſhall, within the Times reſpectively before limited, bring ſuch Priſoner or Priſoners before the ſaid Chancellor, or Juſtices of the ſaid Supreme Court, or one of them, before whom the ſaid Writ is made returnable; and in Caſe of his Abſence, before any other of them, with the Return of ſuch Writ, and the true Cauſes of the Commitment and Detainer, and thereupon, within two Days after the Party ſhall be brought before them, the ſaid Chancellor, or ſuch Juſtice before whom the Priſoner ſhall be brought as aforeſaid, ſhall diſcharge the ſaid Priſoner from his Impriſonment, taking his or their Recognizance, with one or more Surety or Sureties, in any Sum according to their Diſcretions, having Regard to the Quality of the Priſoner and Nature of the Offence, for his or their Appearance in the Supreme Court the Term following, or at the next General Seſſions or Gaol Delivery of and for ſuch County, City or Place, where the Commitment was, or where the Offence was committed, or in ſuch other Court where the ſaid Offence is properly cognizable,

By whom ſuch Writs to be granted.

Officers Duty on the Service of the Writ.

Chancellor or Judge before whom Priſoner is brought, to diſcharge him, taking Security for his Appearance;

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cognizable, as the Caſe ſhall require, and ſhall then certify the ſaid Writ, with the Return thereof, and the ſaid Recognizance or Recognizances, into the ſaid Court where ſuch Appearance is to be made, unleſs it ſhall appear unto the ſaid Chancellor, or Juſtice or Juſtices, that the Party ſo committed, is detained upon a legal Proceſs, Order or Warrant, out of ſome Court that hath Juriſdiction of criminal Matters, or by ſome Warrant ſigned and ſealed with the Hand and Seal of any of the ſaid Juſtices, or ſome Juſtice or Juſtices of the Peace, for ſuch Matters or Offences, for the which, by the Law, the Priſoner is not bailable. But if any Perſon ſhall have wilfully neglected, by the Space of two whole Terms after his Impriſonment, to pray a *Habeas Corpus* for his Enlargement, ſuch Perſon ſo wilfully neglecting, ſhall not have any *Habeas Corpus* to be granted in Vacation Time, in Purſuance of this Act.

Unleſs the Priſoner is not bailable.

If a Priſoner neglects applying for two Terms, no *Habeas Corpus* to be granted in the Vacation.

III. *And be it further Enacted by the Authority aforeſaid*, That if any Officer or Officers, his or their Under Officer or Under Officers, Under Keeper or Under Keepers, or Deputy, or other Perſon or Perſons, ſhall neglect or refuſe to make the Returns aforeſaid, or to bring the Body or Bodies of the Priſoner or Priſoners, according to the Command of the ſaid Writ, within the reſpective Times aforeſaid, or upon Demand made by the Priſoner, or any Perſon in his Behalf, ſhall refuſe to deliver, or within the Space of ſix Hours after Demand, ſhall not deliver to the Perſon ſo demanding, a true Copy of the Warrant or Warrants of Commitment and Detainer of ſuch Priſoner, which he and they are hereby required to deliver accordingly, all and every the Head Gaolers and Keepers of ſuch Priſons, and ſuch other Perſon or Perſons in whoſe Cuſtody the Priſoner ſhall be detained, ſhall, for the firſt Offence, forfeit to the Priſoner or Party grieved, the Sum of *One Hundred Pounds*, and for the ſecond Offence, the Sum of *Two Hundred Pounds*, and ſhall, if an Officer, be, and is hereby made incapable to hold or execute his ſaid Office; the ſaid Penalties to be recovered by the Priſoner or Party grieved, his or her Executors or Adminiſtrators, againſt ſuch Offender, his Executors or Adminiſtrators, by Action of Debt, Suit, Bill, Plaint or Information, in any Court of Record, wherein no Privilege, Injunction or Stay of Proſecution by *Non vult ulterius proſequi*, or otherwiſe, ſhall be admitted or allowed, or any more than one Imparlance; and any Recovery or Judgment, at the Suit of any Party grieved, ſhall be a ſufficient Conviction for the firſt Offence; and any after Recovery or Judgment, at a Suit of a Party grieved, for any Offence, after the firſt Judgment, ſhall be a ſufficient Conviction to bring the Officers, or Perſon or Perſons, within the ſaid Penalty for the ſecond Offence.

Penalty on Officers and others neglecting or refuſing to do their Duty in ſuch Caſes.

How to be recovered.

IV. And for Prevention of unjuſt Vexation by reiterated Commitments for the ſame Offence; *Be it further Enacted by the Authority aforeſaid*, That no Perſon or Perſons who ſhall be delivered or ſet at large upon any *Habeas Corpus*, ſhall, at any Time thereafter, be again impriſoned or committed for the ſame Offence, by any Perſon or Perſons whatſoever, other than by the legal Order and Proceſs of ſuch Court wherein he or they ſhall be bound by Recognizance to appear, or other Court having Juriſdiction of the Cauſe; and if any other Perſon or Perſons ſhall knowingly, contrary to this Act, recommit or impriſon, or knowingly cauſe or procure to be recommitted or impriſoned, for the ſame Offence or pretended Offence, any Perſon or Perſons delivered or ſet at large as aforeſaid, or be knowingly aiding or aſſiſting therein, then he or they ſhall forfeit to the Priſoner or Party grieved, the Sum of *Five Hundred Pounds*; any colourable Pretence or Variation in the Warrant or Warrants of Commitment notwithſtanding, to be recovered as aforeſaid.

No Perſon ſet at large upon ſuch Writ, to be committed again for the ſame, but by a proper Court,

On Forfeiture of 500l.

V. *And be it further Enacted by the Authority aforeſaid*, That if any Perſon or Perſons ſhall be committed for any Treaſon or Felony, plainly and ſpecially expreſſed in the Warrant of Commitment, upon his Prayer or Petition

Perſons committed for Treaſon or Felony, and petitioning to be tried, not being in-

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in open Court, the firſt Week of the Term, or firſt Day of the Seſſions of Oyer and Terminer or Gaol Delivery, to be brought to his Trial, ſhall not be indicted ſome Time in the next Term, Seſſions of Oyer and Terminer or Gaol Delivery, after ſuch Commitment, it ſhall and may be lawful to and for the Juſtices of the Supreme Court and Juſtices of Oyer and Terminer, or Gaol Delivery, and they are hereby required, upon Motion to them made in open Court, the laſt Day of the Term, Seſſions or Gaol Delivery, either by the Priſoner or any one in his Behalf, to ſet at liberty the Priſoner upon Bail, unleſs it appear to the Juſtices, upon Oath made, that the Witneſſes againſt the Priſoner could not be produced the ſame Term, Seſſions or Gaol Delivery. And if any Perſon or Perſons, committed as aforeſaid, upon his Prayer or Petition in open Court, the firſt Week of the Term, or firſt Day of the Seſſions of Oyer and Terminer or Gaol Delivery, to be brought to his Trial, ſhall not be indicted and tried the ſecond Term, Seſſions of Oyer and Terminer, or Gaol Delivery, after his Commitment, or upon his Trial ſhall be acquitted, he ſhall be diſcharged from his Impriſonment. *Provided always*, That nothing in this Act ſhall extend to diſcharge out of Priſon any Perſon charged in Debt or other Action, or with Proceſs in any civil Cauſe, but that after he ſhall be diſcharged of his Impriſonment for ſuch his criminal Offence, he ſhall be kept in Cuſtody according to the Law for ſuch other Suit.

dicted at the next Court, to be bailed, unleſs the Witneſſes could not be produced;

And if not indicted and tried at the ſecond Court, or if acquitted, to be diſcharged.

This Act not to diſcharge ſuch Priſoners from civil Suits.

VI. *And be it further Enacted by the Authority aforeſaid*, That if any Perſon or Perſons, Citizens of this State, ſhall be committed to any Priſon, or in Cuſtody of any Officer or Officers whatſoever, for any criminal or ſuppoſed criminal Matter, that the ſaid Perſon ſhall not be removed from the ſaid Priſon and Cuſtody, into the Cuſtody of any other Officer or Officers, unleſs it be by *Habeas Corpus*, or ſome other legal Writ or Proceſs, or where the Priſoner is delivered to the Conſtable or other inferior Officer, to carry ſuch Priſoner to ſome common Gaol, or where any Perſon is ſent, by Order of any Court or Judge, or Juſtice of the Peace, to any common Work-Houſe, or Houſe of Correction, or where the Priſoner is removed from one Priſon or Place to another within the ſame County, in order to his or her Trial or Diſcharge, in due Courſe of Law; or in Caſe of ſudden Fire or Infection, or other Neceſſity; and if any Perſon or Perſons ſhall, after ſuch Commitment aforeſaid, make out and ſign, or counterſign any Warrant or Warrants, for ſuch Removal aforeſaid, contrary to this Act, as well he who makes or ſigns, or counterſigns ſuch Warrant or Warrants, as the Officer or Officers who obey or execute the ſame, ſhall, for every Offence, forfeit to the Priſoner or Party grieved, *Two Hundred Pounds*, to be recovered in Manner aforeſaid, by the Party grieved.

Criminals not to be removed but by *Habeas Corpus*, or other Proceſs,

Except in Caſes of Fire, Infection, or other Neceſſity.

Perſons making any Warrant contrary to this Act to forfeit 200l.

VII. *And be it further Enacted by the Authority aforeſaid*, That it ſhall and may be lawful to and for any Priſoner and Priſoners as aforeſaid, to move for and obtain his or their *Habeas Corpus*, as well out of the Court of Chancery as out of the Supreme Court; and if the Chancellor, or any Juſtice of the Supreme Court for the Time being, in the Vacation Time, upon View of the Copy or Copies of the Warrant or Warrants of Commitment or Detainer, or upon Oath made that ſuch Copy or Copies were denied as aforeſaid, ſhall deny any Writ of *Habeas Corpus* by this Act required to be granted, being moved for as aforeſaid, they ſhall ſeverally forfeit to the Priſoner or Party grieved, the Sum of *Five Hundred Pounds*, to be recovered in Manner aforeſaid.

Priſoners may obtain Writs of *Habeas Corpus* from the Chancery or Supreme Court;

And the Chancellor or Juſtice denying ſuch Writ to forfeit 500l.

VIII. AND for preventing illegal Impriſonments of the Citizens of this State, in Priſons out of this State; *Be it further Enacted by the Authority aforeſaid*, That no Citizen of this State, who now is or hereafter ſhall be an Inhabitant or Reſident within this State, ſhall or may be ſent Priſoner to any Place whatſoever, out of this State, for any Crime or Offence committed within

No Citizen to be ſent Priſoner out of this State, for any Offence committed within the State.

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within this State, and that every ſuch Impriſonment is hereby enacted and adjudged to be illegal; and that if any of the ſaid Citizens now is, or hereafter ſhall be ſo impriſoned, every ſuch Perſon and Perſons ſo impriſoned, ſhall and may, for every ſuch Impriſonment, maintain, by Virtue of this Act, an Action or Actions of falſe Impriſonment in any Court of Record, againſt the Perſon or Perſons by whom he or ſhe ſhall be ſo committed, detained, impriſoned, ſent Priſoner or tranſported, contrary to the true Intent and Meaning of this Act, and againſt all or any Perſon or Perſons who ſhall frame, contrive, write, ſeal, ſign or counterſign, any Warrant or Writing for ſuch Commitment, Detainer, Impriſonment or Tranſportation, or ſhall be adviſing, aiding or aſſiſting in the ſame, or any of them; and the Plaintiff in every ſuch Action ſhall have Judgment to recover treble Coſts, beſides Damages, which Damages ſo to be given, ſhall not be leſs than *Five Hundred Pounds*; in which Action no Delay, Stay or Stop of Proceeding, by Rule, Order or Command, nor no Injunction or Privilege whatſoever, nor any more than one Imparlance, ſhall be allowed, excepting ſuch Rule of the Court wherein the Action ſhall depend, made in open Court, as ſhall be thought, in Juſtice, neceſſary, for ſpecial Cauſe to be expreſſed in the ſaid Rule. And the Perſon or Perſons, who ſhall knowingly frame, contrive, write, ſeal, ſign or counterſign, any Warrant for ſuch Commitment, Detainer or Tranſportation, or ſhall ſo commit, detain, impriſon or tranſport, any Perſon or Perſons contrary to this Act, or be any wiſe adviſing, aiding or aſſiſting therein, being lawfully convicted thereof, ſhall be diſabled from thenceforth to bear any Office of Truſt or Profit within this State, and ſhall forfeit to the People of this State, all his Goods and Chattels, and the Iſſues and Profits of his Lands and Tenements during his natural Life. *Provided always*, That nothing in this Act ſhall extend to give Benefit to any Perſon who ſhall, by Contract in Writing, agree with any Merchant or Owner of any Plantation, or other Perſon whatſoever, to be tranſported to any Place out of this State, or to any Part beyond the Seas, and receive Earneſt upon ſuch Agreement, although that afterwards ſuch Perſon ſhall renounce ſuch Contract. *Provided alſo*, That if any Perſon or Perſons lawfully convicted of any Felony, ſhall, in open Court, pray to be tranſported beyond the Seas, and the Court ſhall think fit to leave him or them in Priſon for that Purpoſe, ſuch Perſon or Perſons may be tranſported into any Parts beyond the Seas; this Act, or any Thing therein contained to the Contrary, notwithſtanding. *Provided alſo*, That if any Perſon or Perſons at any Time reſident in this State, ſhall have committed, or be charged with having committed, any Treaſon, Felony or other high Miſdemeanor, in any other of the United States of *America*, where he or ſhe ought to be tried for ſuch Offence, ſuch Perſon or Perſons may be ſent to ſuch Place, there to receive ſuch Trial, in ſuch Manner as the ſame might have been uſed before the making of this Act; any Thing herein contained to the Contrary notwithſtanding.

Perſons ſo impriſoned to recover treble Coſts, beſides Damages not leſs than 500l.

And the Perſon making any Warrant &c. to forfeit his Goods and Chattels, and the Profits of his Lands for Life.

Not to extend to Perſons agreeing to go beyond Sea, and receiving Earneſt thereupon.

Nor to Perſons convicted of Felony, and praying to be tranſported.

But any Perſon reſiding in this State, and charged with Felony, or other high Miſdemeanor, in any other of the United States, may be ſent there for Trial.

IX. *Provided alſo, and be it further Enacted by the Authority aforeſaid*, That no Perſon or Perſons ſhall be ſued, impleaded, moleſted or troubled, for any Offence againſt this Act, unleſs the Party offending be ſued or impleaded for the ſame, within *two Years* at moſt after ſuch Time wherein the Offence ſhall be committed, in Caſe the Party grieved ſhall not then be in Priſon; and if he or ſhe ſhall be in Priſon, then within the Space of *two Years* after the Deceaſe of the Perſon impriſoned, or his or her Delivery out of Priſon, which ſhall firſt happen.

Offences againſt this Act, to be proſecuted within *two Years*.

X. *And be it further Enacted by the Authority aforeſaid*, That if any Information, Suit or Action, ſhall be brought or exhibited againſt any Perſon or Perſons, for any Offence committed, or to be committed againſt the Form of this Law, it ſhall be lawful for ſuch Defendants to plead the general Iſſue, that

Perſons proſecuted upon this Act, may plead the general Iſſue.

that they are not guilty, or that they owe nothing, and to give ſuch ſpecial Matter in Evidence to the Jury that ſhall try the ſame; which Matter being pleaded, had been good and ſufficient Matter in Law, to have diſcharged the ſaid Defendant or Defendants againſt the ſaid Information, Suit or Action; and the ſaid Matter ſhall be then as available to him or them, to all Intents and Purpoſes, as if he or they had ſufficiently pleaded, ſet forth, or alledged the ſame Matter, in Bar or Diſcharge of ſuch Information, Suit or Action.

XI. AND to the Intent that no Perſon may avoid his Trial at the Seſſions of Oyer and Terminer, or Gaol Delivery, by procuring his Removal before the ſitting of the ſame Court, at ſuch Time as he cannot be brought back to receive his Trial there; *Be it further Enacted by the Authority aforeſaid*, That after the Seſſions of Oyer and Terminer, or Gaol Delivery, proclaimed for that County where the Priſoner is detained, no Perſon ſhall be removed from the common Gaol upon any *Habeas Corpus* granted in Purſuance of this Act; but upon any ſuch *Habeas Corpus*, ſhall be brought before the Juſtice or Juſtices of the Circuit Court, in open Court, who is or are thereupon to do what to Juſtice ſhall appertain. *Provided*, That after the Seſſions of Oyer and Terminer, or Gaol Delivery, are ended, any Perſon or Perſons detained, may have his or their *Habeas Corpus*, according to the Direction and Intention of this Act.

No Perſon to be removed by *Habeas Corpus*, after Seſſions of Oyer and Terminer is proclaimed for that County, but ſhall be carried to the Circuit Court.

After Seſſions he may have a *Habeas Corpus*.

XII. AND becauſe oftentimes Perſons charged with Felony, or as Acceſſaries thereunto, are committed upon Suſpicion only, whereupon they are bailable, or not, according as the Circumſtances making out that Suſpicion, are more or leſs weighty, which are beſt known to the Juſtices of the Peace who committed the Perſons, and have the Examinations before them, or to other Juſtices of the Peace in the County: Therefore, *Be it further Enacted by the Authority aforeſaid*, That where any Perſon ſhall appear to be committed by any Judge or Juſtice of the Peace, and charged as Acceſſary before the Fact, to any Felony, or upon Suſpicion thereof, or with Suſpicion of any Felony, which Felony ſhall be plainly and ſpecially charged in the Warrant of Commitment, that ſuch Perſons ſhall not be removed or bailed by Virtue of this Act, or in any other Manner than they might have been before the making of this Act.

Perſons committed as Acceſſaries to Felonies before the Fact, or with Suſpicion of Felony, not bailable by this Act.

CHAP. XL.

An ACT *for the Relief of* Abraham Lott.
Paſſed 23d February, 1787.

Obſolete.

CHAP. XLI.

An ACT *for the Relief of* Frederick Wieſſenfels.
Paſſed 23d February, 1787.

Obſolete.

CHAP. XLII.

An ACT *to regulate the Election of Charter Officers in the City of* New-York.
Paſſed 23d February, 1787.

I. BE *it Enacted by the People of the State of* New-York, *repreſented in Senate and Aſſembly, and it is hereby Enacted by the Authority of the ſame*, That the Mayor, Aldermen and Commonalty of the City of *New-York*, in Common Council convened, ſhall and may, on ſuch Day in the Month of *September*, in every Year hereafter, as to them ſhall ſeem meet, at leaſt *eight* Days before the Day of Election of Officers, to be choſen in and for the ſaid City, by Virtue of the Charter thereof, fix upon a proper Place in each reſpective Ward, where ſuch Election ſhall be held, and nominate and appoint a fit and diſcreet

Common Council of *New-York* to fix a Day and Place for holding Elections for City Officers,

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diſcreet Perſon for each reſpective Ward in the ſaid City, being a Reſident in the Ward for which he ſhall be ſo appointed, and a Freeholder there, or a Freeman of the ſaid City, to preſide at, and be the Inſpector or returning Officer, as well of the Election of the ſaid Officers to be choſen in the Month of *September*, for the Year next enſuing, to ſee that the ſame reſpective Elections be fairly conducted and had, as for the Election of ſuch Officers reſpectively, as ſhall be to be choſen in the ſame Year, to fill any Vacancy or Vacancies which, from Time to Time, ſhall or may happen in any of the ſaid Offices, by Death, Removal out of the ſaid City, Refuſal to ſerve, or otherwiſe. *And further*, That in Caſe any of the ſaid Inſpectors ſhall die, remove out of the ſaid City, refuſe to ſerve, or be rendered incapable of attending any of the ſaid Elections, before or on the Day on which the ſame is to be held; that then, and in ſuch Caſe, it ſhall and may be lawful to and for the ſaid Mayor, Aldermen and Commonalty of the City of *New-York*, in Common Council convened, or the major Part of them, to appoint another fit and diſcreet Perſon, being a Reſident in the Ward in which ſuch Election ſhall be to be held, and a Freeholder there, or a Freeman of the ſaid City, to be an Inſpector of the ſaid Election, in the Room and Stead of the ſaid Perſon ſo dying, removing, refuſing to ſerve, or being rendered incapable of attending the ſaid Election, and ſo as often as ſuch Caſe ſhall happen. *And further*, That each of the ſaid Perſons ſo to be, from Time to Time, nominated and appointed to be Inſpectors of the ſaid reſpective Elections, ſhall appoint a Perſon properly qualified, to act as Clerk at the Election to be held in their reſpective Wards, and ſhall tender and adminiſter to ſuch Clerk (who is hereby directed and required to take the ſame) the following Oath, *to wit;*

And to appoint Inſpectors.

If any Inſpector die, &c. another to be appointed.

Inſpector to appoint a Clerk, who ſhall be ſworn.

Form of Oath.

I *Do ſolemnly and ſincerely ſwear and declare, in the Preſence of Almighty God, That I will truly and impartially execute the Truſt repoſed in me, as a Clerk of this Election, for the —— Ward of the City of* NEW-YORK.

AND ſhall thereupon, in the Preſence of the ſaid Inſpector, in a Poll-Book to be provided for the Purpoſe, ſet down the Name of each Voter, and for whom he ſhall vote, and whether he votes as a Freeholder or Freeman; which ſaid Poll-Book ſhall, immediately after the cloſing of the Poll of every of the ſaid Elections, be ſubſcribed with the proper Name and Hand-Writing of ſuch Inſpector, and be by him delivered to the Clerk of the ſaid City, or his Deputy, to be by him delivered to the ſaid Mayor, Aldermen and Commonalty of the City of *New-York*, in Common Council convened. *And further*, That the reſpective Clerks of the ſaid Elections, ſhall be allowed the Sum of *Sixteen Shillings* for each Election, to be paid by the ſaid Mayor, Aldermen and Commonalty of the City of *New-York*.

Clerk's Duty.

Clerk's Allowance.

II. *And be it further Enacted by the Authority aforeſaid*, That in Caſe it ſhall ſo happen, that any of the Aldermen, Aſſiſtants, Aſſeſſors, Collectors or Conſtables ſo choſen, ſhall die, or remove out of the ſaid City, before the Day by the ſaid Charter appointed for the annual Election of ſuch Officers, or, being duly elected, ſhall refuſe to ſerve in the Office to which he or they ſhall reſpectively be choſen; then, and in ſuch Caſe, it ſhall and may be lawful to and for the ſaid Mayor, Aldermen and Commonalty of the City of *New-York*, in Common Council convened, to order an Election or Elections to be held, to fill ſuch Vacancy or Vacancies, and appoint a Place in the reſpective Wards, and the Time (not leſs than *five Days* previous to ſuch intended Election) for holding the ſaid Election, and to give Notice thereof to the Inſpector of the Ward in which ſuch Vacancy ſhall happen, and ſo as often as any ſuch Vacancy ſhall happen; and that the ſaid Inſpector ſhall forthwith cauſe the ſame to be publiſhed, by Advertiſements put up in at leaſt *three* of the moſt public Places of the Ward.

In Caſe of the Death, &c. of an Alderman, &c. how others to be choſen.

III. *And*

III. *And be it further Enacted by the Authority aforeſaid*, That if any Perſon who ſhall be nominated and appointed as an Inſpector as aforeſaid, ſhall neglect or refuſe to execute the ſaid Office, every ſuch Perſon ſhall forfeit and pay, for every ſuch Neglect or Refuſal, to the Uſe of the Corporation of the ſaid City, the Sum of *Twenty Pounds*, to be levied by Warrant under the Seal of the ſaid City, ſigned by the Mayor or Recorder for the Time being.

Penalty on Inſpectors refuſing to ſerve.

IV. *And be it further Enacted by the Authority aforeſaid*, That in Caſe the ſaid Mayor, Aldermen and Commonalty of the City of *New-York*, in Common Council convened, ſhall neglect to appoint ſuch Perſons as Inſpectors of the Election for any of the Officers aforeſaid, or if the Perſons ſo to be nominated and appointed, or any of them, ſhall not attend or do the Duty of their ſaid Office, at any Election in any Ward of the ſaid City, that then the ſaid Election of the ſaid Officers, or ſuch of them as ſhall then be to be choſen, in ſuch reſpective Ward, ſhall be had and made, according to the Directions in the Charters granted to the ſaid City; any Thing in this Act contained to the Contrary hereof in any wiſe notwithſtanding.

If no Inſpector be appointed, or if the Inſpector does not attend, then the Election to be held according to the Charter.

V. *And be it further Enacted by the Authority aforeſaid*, That no Perſon ſhall vote at any of the ſaid Elections, as a Freeholder, but ſuch as ſhall be poſſeſſed of a Freehold Eſtate in his own Right, or in the Right of his Wife, in Lands or Tenements to the Value of *Twenty Pounds*, over and above all Debts charged thereon, within ſuch Ward of the ſaid City where he ſhall vote, and ſhall have poſſeſſed the ſame one Month, at the leaſt, before the Day of ſuch Election, unleſs he ſhall hold his Eſtate by Deſcent or Deviſe. *And further*, That no Perſon ſhall vote at any of the ſaid Elections, as a Freeman of the ſaid City, unleſs he ſhall have been admitted to the Freedom of the ſaid City *three* Months, at the leaſt, before the Day of ſuch Election, and ſhall have actually reſided in the Ward in which he ſhall ſo vote, for one Month before the Day of ſuch Election. *And further*, That every Elector, before he ſhall be admitted to poll at the ſaid Election, ſhall, if required by the Inſpector of ſuch Election, firſt take the following Oath, which Oath each of ſuch Inſpectors is hereby authoriſed to tender and adminiſter; *That is to ſay*, If the ſaid Elector votes as a Freeholder, the Oath following, *to wit;*

Who are not to vote as Freeholders,

Or as Freemen.

Electors to take an Oath.

I —— ——, *do ſolemnly and ſincerely ſwear and declare in the Preſence of Almighty God, That I am, and* (if he ſhall not hold his Eſtate by Deſcent or Deviſe) *have been for one Month next and immediately preceding this Election, a Freeholder, and poſſeſſed of a Freehold in my own Right* (or, *in my Wife's Right*, as the Caſe may be) *of the Value of* Twenty Pounds, *in the Ward in which I now offer to vote; that I do not hold the ſame in Truſt for any Body Politic or Corporate, or for any pious or religious Uſe whatſoever; that I have not been before polled at this Election, and that I have not procured this Freehold under any Obligation or Promiſe to re-convey the ſame to the Seller after this Election.*

Form of Freeholders Oath.

AND if the ſaid Elector ſhall vote as a Freeman, the following Oath, *to wit;*

I —— ——, *do ſolemnly and ſincerely ſwear and declare, in the Preſence of Almighty God, That I am, and have been for* three *Months next and immediately preceding this Election, a Freeman of the City of* New-York, *and have actually reſided in the Ward in which I now offer to vote, one Month now laſt paſt, and that I have not been before polled at this Election.*

Form of Freemen's Oath.

VI. *And be it further Enacted by the Authority aforeſaid*, That if any Freeholder or Freeman ſhall refuſe or neglect to take the Oath by this Act appointed to be taken by him or them reſpectively; or if any Elector ſhall refuſe or neglect to declare whether he votes in the Right of a Freeholder or Freeman, (being thereunto reſpectively required by the Inſpector) then, and in

Electors refuſing to take the Oath, to loſe their Votes.

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in ſuch Caſe, the Poll or Vote of ſuch Perſon or Perſons ſo neglecting or refuſing, ſhall be, and the ſame is hereby declared to be null and void, and as ſuch ſhall be rejected and diſallowed; any Charter, Law, Uſage or Cuſtom to the Contrary hereof in any wiſe notwithſtanding.

Mortgagors and Mortgagees in Poſſeſſion, to be conſidered as Freeholders.

VII. *And be it further Enacted by the Authority aforeſaid*, That every Mortgagor, while he continues in the Occupation of the Premiſes mortgaged, and every Mortgagee of a real Eſtate, to him and his Heirs, after he obtains Poſſeſſion of the mortgaged Premiſes, and every Perſon poſſeſſed of a Freehold in Right of his Wife, ſhall be deemed and eſteemed a Freeholder within the Meaning of this Act: But that no Perſon or Perſons holding Lands, Tenements or Hereditaments, in Truſt for any Body Politic or Corporate, or for any religious or pious Uſe or Purpoſe, in Virtue of ſuch Truſt, nor any Perſon under the Age of *Twenty-one* Years, ſhall be qualified to vote for any of the Officers aforeſaid, which ſhall hereafter be to be choſen, in and for the ſaid City.

But no Perſon holding in Truſt for any Corporation or pious Uſe, or under 21 Years of Age, allowed to vote.

Perſons poſſeſſed of a Freehold on the Eaſt Side of Broad-Way, to vote in the Weſt Ward only.

VIII. *And be it further Enacted by the Authority aforeſaid*, That every Perſon ſeiſed of a Freehold Eſtate, of and in any Houſes or Lots of Ground, of Value ſufficient by this Act to entitle him to a Vote, lying and being on the Eaſt Side of, and fronting to the Broad-Way in the ſaid City of *New-York*, ſhall vote for the Officers aforeſaid in the Weſt Ward only, and not in the North Ward of the ſaid City, although their Lots of Ground fronting the ſaid Broad-Way, ſhall extend in the ſame North Ward; any Charter, Law, Uſage or Cuſtom to the Contrary hereof in any wiſe notwithſtanding.

CHAP. XLIII.

An ACT *concerning Fines and Recoveries of Lands and Tenements.*

Paſſed 26th February, 1787.

Fines of Lands and Tenements to be levied in the Supreme Court, and how,

I. BE *it Enacted by the People of the State of* New-York, *repreſented in Senate and Aſſembly, and it is hereby Enacted by the Authority of the ſame*, That all Fines of Lands and Tenements ſhall be levied in the Supreme Court, before the Juſtices of the ſame Court, and not elſewhere; and that when the original Writ is returned and delivered to the Court, a Pleader, in the Preſence of the Parties before the Juſtices, ſhall ſay to the Court, "*We pray Leave to agree*," and one of the Juſtices ſhall ſay, "*Leave is granted by the Court;*" and when the Parties have made their Agreement, Proclamation ſhall be made, that all Perſons keep Silence while the Agreement between the Parties is read; and the Pleader ſhall then read the Concord between the Parties in open Court, and then deliver the ſame into Court, where the Cognizors ſhall acknowledge and ſign the ſame, in the Preſence of the Juſtices. And it is to be known, that the Order of the Law will not ſuffer a final Accord to be levied, without an original Writ, and that muſt be in the Supreme Court, before two Juſtices of the ſame Court at the leaſt, and in the Preſence of the Parties named in the Writ, who muſt be of full Age, of ſound Memory, and out of Priſon; and if a *Woman Covert* be one of the Parties, ſhe muſt be firſt examined by one of the ſaid Juſtices; and if ſhe doth not aſſent thereunto, the Fine ſhall not be levied. And the Cauſe wherefore ſuch Solemnity ought to be obſerved in a Fine, is becauſe a Fine is ſo high a Bar, of ſo great Force, and of ſo ſtrong a Nature in itſelf, that it concludeth not only ſuch as be Parties and Privies thereto, and their Heirs, but all other People of the World, being of full Age, not Covert of Baron within this State, out of Priſon, and of ſound Memory, the Day of the Fine levied, if they make not their Entry, and bring their Action within *five* Years after the Fine levied.

And not without an original Writ.

Feme Covert to be examined.

II. *And*

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II. *And be it further Enacted by the Authority aforesaid*, That nothing shall be taken or paid for any Writ or Writs of Covenant for levying of any Fines, but the accustomed Fees for Writing, and for the Seal of the same Writ or Writs; and that all Duties and Impositions heretofore demanded and taken upon levying of Fines, for the Alienation or Licence to agree, under the Names of *Fines*, *Post Fines*, and the *King's Silver*, shall be, and hereby are, forever abolished.

No *Fines*, *Post Fines*, and *King's Silver* abolished.

III. *And be it further Enacted by the Authority aforesaid*, That as well the Parties Demandant or Plaintiff, as the Tenants or Defendants, that will yield or acknowledge their Right of Lands or Tenements, unto others in Pleas of *Warrantia Chartæ* covenant or other Pleas, whereupon Fines are to be or may be levied, shall, before such Fines do pass, appear personally in the said Supreme Court, so that their Age, Idiocy or any other Default (if any be) may be adjudged and discerned by the Justices; but if any Person or Persons willing to levy such Fine or Fines, shall be out of this State, or cannot by Reason of Age, Sickness or other reasonable Impediment, come in Person before the Justices in the said Supreme Court, to acknowledge the same Fine or Fines, then and in every such Case, a Writ or Writs of *Dedimus Potestatem* may be granted out of the Court of Chancery to the Justices of the Supreme Court, giving power to them, or any one or more of them, or to any other proper and discreet Men, of good Fame and Credit, residing at or near the Place where such Party being out of this State, or so diseased or unable to travel, shall be, giving Power to them, or any two or more of them to go to the Party being out of this State, or so diseased or unable to travel, and to receive his, her or their Acknowledgment or Cognizance, upon that Plea or Form of Plea, that he, she or they have or hath, whereupon the same Fine or Fines ought to be levied, and the said Justice or Justices, or other Persons so empowered, shall certify the Justices of the Supreme Court thereof by the Record, so that all Things incident to the same Fine or Fines, being examined by him or them, the same Fine or Fines may be lawfully levied. And it shall and may be lawful for the Chief Justice of the Supreme Court for the Time being, to receive such Acknowledgements or Cognizances as aforesaid, by Virtue of his Office, and without any such Commission as aforesaid. *And further*, That no Person to whom any such Fine shall be acknowledged, shall be allowed to appear in the said Supreme Court by Attorney, unless such Attorney shall be appointed by the Person for whom he shall appear, before one of the Justices of the Supreme Court, or Commissioners authorised by a Writ of *Dedimus Potestatem* out of the Chancery, his or her Attorney, to gain or lose in the Plea, whereupon such Fine is to be levied, and his Warrant of Attorney be signed by such Justice or Commissioners.

Parties to Fines to appear in Person.

But any Person out of the State, or unable to appear, may have a *Dedimus Potestatem* for taking such Fine.

Chief Justice may take Cognizance of Fine, by Virtue of his Office.

No Attorney to appear without Warrant taken before a Judge, or by a Writ of *Dedimus Potestatem*.

IV. *And be it further Enacted by the Authority aforesaid*, That every Person who shall at any Time hereafter take the Acknowledgment or Cognizance of any Fine, or any Warrant of Attorney of any Demandant or Plaintiff, in any Plea whereupon any Fine or Fines shall be levied, or of any Demandant or Plaintiff, or Tenant or Vouchee for suffering any common Recovery, or shall certify them, or any of them, shall, with the Certificate of the Concord or Warrant of Attorney, certify also the Day and Year when the same was acknowledged; and that no Person who shall take such Acknowledgment or Cognizance of any Fine, or any Warrant of Attorney for any of the Purposes aforesaid, shall be bound, or by any Means enforced to certify any such Acknowledgment, or Cognizance, or Warrant, except it be within one Year next after the same shall be taken. *And further*, That no *Attornment* in or upon any Fine, be entered upon Record, unless the Party mentioned to attorn therein, shall have first appeared in Court in Person, or by Attorney, warranted

Time of taking of Cognizance of Fine, or Warrant of Attorney, to be certified with the same.

No *Attornment* to be entered without Appearance of the Party.

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warranted by the Hand of one of the Juſtices of the Supreme Court, or Commiſſioners as aforeſaid, upon a Writ of, *Quid Juris clamat, quem redditum reddat,* or *per quæ Servitia,* as the Caſe may require; and every Entry of *Attornment* hereafter to be made, where there ſhall be no appearance as aforeſaid, ſhall be utterly void and of none effect, without any Writ of Error, or other Means to be uſed for the avoiding thereof.

Fines to be proclaimed.

V. *And be it further Enacted by the Authority aforeſaid,* That after the engroſſing of every Fine hereafter to be levied in the ſaid Supreme Court, before the Juſtices of the ſame Court, of any Lands, Tenements, or other Hereditaments, the ſame Fines ſhall be openly and ſolemnly read and proclaimed in the ſame Court, four Times; *That is to ſay,* Once in the ſame Term wherein it is engroſſed, and once in every of the three Terms holden next after the ſame engroſſing, and in the ſame Time that it is ſo read and proclaimed, all Pleas ſhall ceaſe; and the ſaid Proclamations being ſo had and made, the Fine ſhall be a final End, and conclude as well Privies as Strangers to the ſame, except Women Covert not Parties to the ſame Fine, and every Perſon then being within the Age of Twenty-one Years, in Priſon, or out of this State, or not of ſound Mind at the Time of the ſaid Fine levied, not Parties to ſuch Fine; *Saving* to every Perſon and Perſons, and to their Heirs, other than the Parties to the ſaid Fine, ſuch Right, Claim, and Intereſt, as they have to or in the ſaid Lands, Tenements, or other Hereditaments, at the Time of ſuch Fine engroſſed, ſo that they purſue their Title, Claim or Intereſt, by way of Action or lawful Entry, within *five* Years next after the ſaid Proclamations had and made; and *ſaving alſo* to all Perſons, ſuch Action, Right, Title, Claim and Intereſt, in or to the ſaid Lands, Tenements or other Hereditaments, as firſt ſhall grow, remain, deſcend or come to them, after the ſaid Fine engroſſed, and Proclamation made, by Force of any Gift, or by any other Cauſe or Matter had and made before the ſaid Fine levied, ſo that they take their Action, or purſue their ſaid Right or Title according to Law, within *five* Years next after ſuch Action, Right, Claim, Title or Intereſt to them accrued, deſcended, fallen or come, and that they and their Heirs may have their ſaid Action againſt the Pernor of the Profits of the ſaid Lands, Tenements and other Hereditaments, at the Time of the ſaid Action to be taken; and if the ſame Perſons at the Time of ſuch Action, Right and Title accrued, deſcended, remained or come unto them, be Covert of Baron, or within Age, or in Priſon, or out of this State, or not of ſound Mind, then their Action, Right and Title, to be reſerved and ſaved to them, and to their Heirs, unto the Time that they come and be at their full Age of Twenty-one Years, out of Priſon, within this State, diſcovert and of ſound Mind, ſo that they or their Heirs take and purſue, according to Law, their ſaid Actions or their lawful Entry, according to their Right and Title, within *five* Years next after they come and be at their full Age, out of Priſon, within this State, Diſcovert and of ſound Mind. *And further,* That all ſuch Perſons as be Covert of Baron, and not Party to the Fine, and every Perſon being within the Age of Twenty-one Years, or in Priſon or out of this State, or not of ſound Mind at the Time of the ſaid Fine levied and engroſſed, and by this Act before excepted, having any Right or Title, or Cauſe of Action, to any of the ſaid Lands, Tenements or other Hereditaments, that they or their Heirs inheritable to the ſame, take their ſaid Actions or lawful Entry, according to their Right and Title, within *five* Years next after they come and be of the Age of Twenty-one Years, out of Priſon, within this State, Diſcovert and of ſound Mind, and the ſame Actions ſue, or their lawful Entry take and Purſue, according to Law; and if they do not take their Actions and Entry as is aforeſaid, they and every of them, and their Heirs, and the Heirs of every of them, ſhall be concluded by the ſaid Fine forever, in like Form as they be that be

Fines to conclude as well Privies as Strangers, except Femes Covert not Parties, Infants, Perſons in Priſon out of the State, or of unſound Mind.

Saving to Strangers their Right, if purſued within *five* Years.

Parties

Parties or Privies to the ſaid Fine; *ſaving* to every Perſon and Perſons not party nor privy to the ſaid Fine, their Exception to avoid the ſame Fine, for that thoſe who were Parties to the ſaid Fine, had nothing, nor either of them, nor any Perſon or Perſons to their Uſe, nor to the Uſe of either of them, had any Thing in the Lands and Tenements compriſed in the ſaid Fine, at the Time of the ſaid Fine levied.

Saving to all Perſons not Parties, their Exception to avoid the Fine, for that the Parties to the Fine had nothing in the Tenements.

VI. *And be it further Enacted by the Authority aforeſaid*, That no Entry to be made upon any Lands, Tenements, or Hereditaments, ſhall be of any Force or Effect to avoid any Fine levied, or to be levied, with Proclamations in the ſaid Supreme Court, unleſs upon ſuch Entry, an Action ſhall be commenced within *one* Year after making ſuch Entry, and proſecuted with Effect.

No Entry on Lands ſhall avoid Fines, unleſs Action be brought within a Year.

VII. *And be it further Enacted by the Authority aforeſaid*, That every Writ of Covenant, and other Writ, whereupon any Fine ſhall hereafter be levied, with the Return thereof, the Writ of *Dedimus Poteſtatem*, for taking the Acknowledgement or Cognizance of any of the ſame Fines, with the Return thereof, the Concord, Note, and Foot of every ſuch Fine, the Proclamations thereupon, and the Licence to agree, and alſo every original *Writ of Entry in the Poſt*, or other Writ, whereupon any common Recovery ſhall hereafter be ſuffered or paſſed, with the Returns of the ſame Writs, and the Writs of Summons *ad Warrantizandum*, with the Returns thereof, and every Warrant of Attorney, as well of every Demandant and Tenant, as Vouchee, ſhall and may be inrolled in Rolls of Parchment, to be of Record forever, and to remain in the ſafe Cuſtody of the Clerk of the Supreme Court, and his Succeſſors. And that the ſaid Inrollments ſhall be of as good Force and Validity in Law, to all Intents and Purpoſes, as the ſame Writs, Concords, Notes, Feet, and Warrants of Attorney ought to be by Law. *And further*, That the original Writ whereupon any Fine ſhall be levied, with the Return thereof, the Warrants of Attorney, if there be any, taken before any or either of the Juſtices of the Supreme Court, the Licence to agree, and Concord of every Fine, ſhall be inrolled upon one and the ſame Roll; and the Writs of *Dedimus Poteſtatem*, if there be any, with the Returns thereof, and the Note and Foot of the ſame Fine ſhall be inrolled upon ſeparate Rolls.

Writs and Proceedings on Fines and Recoveries, to be enrolled.

VIII. And for the more eaſy Diſcovery of Fines, and the Security of Purchaſers; *Be it further Enacted by the Authority aforeſaid*, That the Counterpart of the Foot of every Fine hereafter to be levied, which is to be delivered to the Party, ſhall be ſigned by one of the Judges of the ſaid Supreme Court, and by the Clerk of the ſaid Court, and ſhall be recorded by the Clerk of the City or County where the Lands or Tenements compriſed in the ſame Fine ſhall be ſituated, in a Book to be by him kept for that Purpoſe, within one Year next after the ingroſſing of the ſame Fine, at the Expence of the Party to whom the ſame ſhall be levied. And that the reſpective Clerks of every City and County of this State for the Time being ſhall, without Fee or Reward, immediately after recording the ſame, make and write, or cauſe to be made or written, a Table or Note, wherein ſhall be contained the Contents of the ſame Fine, ſo recorded in their reſpective Offices; *That is to ſay*, The Names of the Parties, and Deſcription of the Lands and Tenements compriſed in ſuch Fine, and the Time of levying the ſame; and ſhall, on the firſt Day of the next General Seſſions of the Peace for the ſame City or County, affix the ſame on the principal Door of the Court-Houſe of the ſame City or County, and ſee that the ſame continue there during the ſame Seſſions, upon Pain that every Clerk offending therein, ſhall forfeit the Sum of *Ten Pounds*; one Moiety thereof to the People of this State, and the other Moiety to him or them who will ſue for the ſame in any Court of Record, by Action of Debt, Bill, Plaint or Information.

Foot of the Fine to be recorded in the County where the Lands lie.

Clerk to affix a Note thereof on the Door of the Court-Houſe,

Under the Penalty of 10l.

IX. *And*

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No Fine or Recovery reverſable for Want of Form.

IX. *And be it further Enacted by the Authority aforeſaid*, That no Fines, Proclamations upon Fines, or common Recovery, heretofore had, levied, ſuffered or paſſed, or hereafter to be had, levied, ſuffered or paſſed, ſhall be reverſable by any Writ of Error, for any Razure, interlining, miſentring of any Warrant of Attorney, or of any Proclamation, miſreturning or not returning of the Sheriff, or other Want of Form in Words, and not in Matter of Subſtance.

Nor unleſs a Writ of Error be brought in *five* Years.

X. *And be it further Enacted by the Authority aforeſaid*, That no Fine or common Recovery ſhall hereafter be reverſed or avoided, for any Error or Defect therein, unleſs the Writ of Error, or Suit for reverſing ſuch Fine or Recovery, be commenced or brought, and proſecuted with Effect, within *five* Years after ſuch Fine levied, or Recovery ſuffered. *Provided always*, That if any Perſon who is or ſhall be entitled to any ſuch Writ of Error as aforeſaid, ſhall, at the Time of ſuch Title accrued, be within the Age of Twenty-one Years, or Covert of Baron, or impriſoned, or not of ſound Mind, or out of this State, then ſuch Perſon, or his or her Heirs, notwithſtanding the ſaid *five* Years expired, ſhall and may bring his, her or their Writ of Error, for reverſing any ſuch Fine or Recovery, ſo as the ſame be brought within five Years after his or her full Age, Diſcoverture, Enlargement out of Priſon, coming of ſound Mind, or coming within this State, but not afterwards, or otherwiſe.

CHAP. XLIV.

An ACT *for the Prevention of Frauds.*

Paſſed 26th February, 1787.

Conveyances in Truſt to the Uſe of the Perſon making the ſame, to be void.

I. BE *it Enacted by the People of the State of* New-York, *repreſented in Senate and Aſſembly, and it is hereby Enacted by the Authority of the ſame*, That all Deeds of Gift, and Conveyances of Goods and Chattels, made or to be made in Truſt to the Uſe of the Perſon or Perſons making the ſame Deed of Gift or Conveyance, ſhall be, and hereby are declared to be void and of none Effect.

Conveyances to defraud Creditors and others of their juſt Demands, void as to them.

II. AND for the avoiding and aboliſhing of all feigned, covenous and fraudulent Feoffments, Gifts, Grants, Alienations, Conveyances, Bonds, Suits, Judgments and Executions, as well of Lands and Tenements, as of Goods and Chattels, which have been and are deviſed and contrived of Malice, Fraud, Covin, Colluſion or Guile, to the End, Purpoſe and Intent, to delay, hinder or defraud Creditors and others, of their juſt and lawful Actions, Suits, Debts, Accounts, Damages, Penalties, Forfeitures and Demands, not only to the Let or Hindrance of the due Courſe and Execution of Law and Juſtice, but alſo to the Overthrow of all true and plain Dealing, Bargaining and Cheviſance, between Man and Man, without which no Commonwealth or civil Society can be maintained or continued; *Be it further Enacted by the Authority aforeſaid*, That all and every Feoffment, Gift, Grant, Alienation, Bargain and Conveyance of Lands, Tenements, Hereditaments, Goods and Chattels, or of any of them, or of any Leaſe, Rent, Common or other Profit or Charge out of the ſame Lands, Tenements, Hereditaments, Goods or Chattels, or any of them, by Writing or otherwiſe, and all and every Bond, Suit, Judgment and Execution, at any Time had or made, or hereafter to be had or made, to or for any Intent or Purpoſe before declared and expreſſed, ſhall be from henceforth deemed and taken (only as againſt that Perſon or Perſons, his, her or their Heirs, Succeſſors, Executors, Adminiſtrators and Aſſigns, and every of them, whoſe Actions, Suits, Debts, Accounts, Damages, Penalties, Forfeitures and Demands, by ſuch guileful, covenous or fraudulent Devices and Practices as aforeſaid

aforeſaid are, or ſhall, or may be in any wiſe diſturbed, hindred or defrauded) to be clearly and utterly void, fruſtrate and of none Effect; any Pretence, Colour, feigned Conſideration, expreſſing of Uſe, or any other Matter or Thing to the Contrary notwithſtanding.

III. And for as much as not only the People of this State, but divers of the Citizens thereof, and Bodies Politic and Corporate, after Conveyances obtained or to be obtained, and Purchaſes made or to be made, of Lands, Tenements, Leaſes, Eſtates and Hereditaments, for Money or other good Conſiderations, may have, incur and receive great Loſs and Prejudice, by Reaſon of fraudulent and covenous Conveyances, Eſtates, Gifts, Grants, Charges and Limitations of Uſes heretofore made, or hereafter to be made, of, in or out of the Lands, Tenements or Hereditaments ſo purchaſed, or to be purchaſed; which ſaid Gifts, Grants, Charges, Eſtates, Uſes and Conveyances were, or hereafter ſhall be meant and intended, by the Parties who ſo make the ſame, to be fraudulent and covenous, of Purpoſe and Intent to deceive ſuch as have purchaſed, or ſhall purchaſe the ſame; or elſe by the ſecret Intent of the Parties, the ſame to be to their own proper Uſe, and at their free Diſpoſition, coloured nevertheleſs by a feigned Countenance, and Shew of Words and Sentences, as though the ſame were made *bona Fide*, for good Cauſes, and upon juſt and lawful Conſiderations: For Remedy of which Inconveniences, and for the avoiding of ſuch fraudulent, feigned and covenous Conveyances, Gifts, Grants, Charges, Uſes and Eſtates, and for the Maintenance of upright and juſt Dealing in the purchaſing of Lands, Tenements and Hereditaments; *Be it further Enacted by the Authority aforeſaid*, That all and every Conveyance, Grant, Charge, Leaſe, Eſtate, Incumbrance and Limitation of Uſe or Uſes, of, in or out of any Lands, Tenements or other Hereditaments whatſoever, had or made, or hereafter to be had or made, for the Intent and Purpoſe to defraud and deceive ſuch Perſon or Perſons, Bodies Politic or Corporate, as have purchaſed or ſhall hereafter purchaſe any Eſtate of Inheritance, or for Life, Lives or Years, of or in the ſame Lands, Tenements or Hereditaments, or any Part or Parcel thereof, ſo before conveyed, granted, leaſed, charged, incumbered or limited in Uſe, or to defraud and deceive ſuch as have or ſhall purchaſe any Rent, Profit or Commodity, in or out of the ſame, or any Part thereof, ſhall be deemed and taken (only as againſt the Perſon and Perſons, Bodies Politic and Corporate, his, her and their Heirs, Succeſſors, Executors, Adminiſtrators and Aſſigns, and againſt all and every other Perſon and Perſons, lawfully having or claiming by, from or under them, or any of them, who have purchaſed, or ſhall hereafter ſo purchaſe, for Money or other good Conſideration, the ſame Lands, Tenements or Hereditaments, or any Part or Parcel thereof, or any Rent, Profit or Commodity, in or out of the ſame) to be utterly void, fruſtrate and of none Effect; any Pretence, Colour, feigned Conſideration, or expreſſing of any Uſe or Uſes to the Contrary notwithſtanding.

Conveyances made to defraud or deceive Purchaſers, void as to them.

IV. *And be it further Enacted by the Authority aforeſaid*, That all and every the Parties to ſuch feigned, covenous or fraudulent Feoffment, Gift, Grant, Alienation, Bargain, Leaſe, Charge, Conveyance, Bonds, Suits, Judgments, Executions, and other Things before expreſſed, or being privy and knowing of the ſame, or any of them, who at any Time hereafter ſhall wittingly and willingly put in Uſe, avow, maintain, juſtify or defend the ſame, or any of them, as true, ſimple and done, had or made, *bona Fide*, and upon good Conſideration, or ſhall alien or aſſign any the Lands, Tenements, Goods, Leaſes or other Things before mentioned, to him, her or them conveyed as aforeſaid, or any Part thereof, ſhall incur the Penalty and Forfeiture of one Year's Value of the ſaid Lands, Tenements and Hereditaments, Leaſes, Rents, Commons, or other Profits, of or out of the ſame, and the whole

Penalty on Perſons juſtifying ſuch Conveyances.

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whole Value of the ſaid Goods and Chattels, and alſo ſo much Money as is or ſhall be contained in any ſuch covenous and feigned Bond; the one Moiety whereof to be to the People of the State of *New-York*, and the other Moiety to the Party or Parties grieved by ſuch feigned and fraudulent Feoffment, Gift, Grant, Alienation, Bargain, Conveyance, Bonds, Suits, Judgments, Executions, Leaſes, Rents, Commons, Profits, Charges, and other Things aforeſaid; to be recovered in any Court of Record, by Action of Debt, Bill, Plaint or Information.

Perſons granting Lands, with Clauſe of Revocation, and afterwards ſelling the ſame, the former Grant to be void.

V. *And be it further Enacted by the Authority aforeſaid*, That if any Perſon or Perſons have made, or hereafter ſhall make any Conveyance, Gift, Grant, Demiſe, Charge, Limitation of Uſe or Uſes, or Aſſurance, of, in or out of any Lands, Tenements or Hereditaments, with any Clauſe, Proviſion, Article or Condition of Revocation, Determination or Alteration, at his, her or their Will or Pleaſure, of ſuch Conveyance or Aſſurance, Gift, Grant, Limitation of Uſe or Uſes, or Eſtates, of, in or out of the ſaid Lands, Tenements or Hereditaments, or of, in or out of any Part or Parcel of them, contained or mentioned in any Writing, Deed or Indenture; and after ſuch Conveyance, Gift, Grant, Demiſe, Charge, Limitation of Uſe or Uſes, or Aſſurance ſo made or had, ſhall or do bargain, ſell, demiſe, grant, convey or charge the ſame Lands, Tenements or Hereditaments, or any Part or Parcel thereof, to any Perſon or Perſons, Bodies Politic and Corporate, for Money, or other good Conſideration paid or given, (the ſaid firſt Conveyance, Aſſurance, Gift, Grant, Demiſe, Charge or Limitation, not by him, her or them revoked, made void or altered, according to the Power and Authority reſerved or expreſſed unto him, her or them, in and by the ſaid ſecret Conveyance, Aſſurance, Gift or Grant) then the ſaid former Conveyance, Gift, Grant, Demiſe, Charge, Limitation of Uſe and Uſes, and Aſſurance, as touching the ſaid Lands, Tenements and Hereditaments, ſo after bargained, ſold, demiſed, granted, conveyed or charged, againſt the ſaid Bargainees, Vendees, Leſſees, Grantees, and every of them, their Heirs, Succeſſors, Executors, Adminiſtrators and Aſſigns, and againſt all and every Perſon or Perſons who have or claim, or ſhall or may lawfully have or claim any Thing, by, from or under them, or any of them, ſhall be deemed, taken and adjudged to be void, fruſtrate and of none Effect, by Virtue and Force of this Act.

This Act not to affect *bona Fide* Conveyances to Perſons not privy to ſuch Frauds,

Nor any *bona Fide* Mortgage.

VI. *Provided always, and be it further Enacted by the Authority aforeſaid*, That this Act, or any Thing therein contained, ſhall not extend, or be conſtrued to impeach, defeat, make void or fruſtrate any Conveyance, Aſſignment of Leaſe, Aſſurance, Grant, Charge, Leaſe, Eſtate, Intereſt or Limitation of Uſe or Uſes, of, in, to or out of any Lands, Tenements or Hereditaments, Goods or Chattels, at any Time heretofore had or made, or hereafter to be had or made, upon or for good Conſideration, and *bona Fide* to any Perſon or Perſons, Bodies Politic or Corporate, not having, at the Time of ſuch Conveyance or Aſſurance to him, her or them made, any Manner of Notice, or Knowledge of ſuch Covin, Fraud or Colluſion, as is aforeſaid; and that no lawful Mortgage, made or to be made, *bona Fide*, and without Fraud or Covin, and upon good Conſideration, ſhall be impeached or impaired by Force of this Act, but the ſame ſhall ſtand in like Force and Effect, as the ſame ſhould have done, if this Act had never been made; any Thing before in this Act to the Contrary in any wiſe notwithſtanding.

Common Recoveries not to be affected by this Act,

VII. And *whereas* ſundry common Recoveries of Lands, Tenements and Hereditaments have been had, and hereafter may be had, againſt a Tenant of the Freehold, the Reverſion or Remainder, or the Right of the Reverſion or Remainder, then being in ſome other Perſon or Perſons; *Be it further Enacted by the Authority aforeſaid*, That every ſuch common Recovery heretofore

tofore had, and hereafter to be had, of any Lands, Tenements or Hereditaments, ſhall, as touching ſuch Perſon and Perſons who then had any Reverſion or Remainder, or Right of Reverſion or Remainder, and againſt the Heirs of every of them, ſtand, remain and be of ſuch like Force and Effect, and of none other, as the ſame ſhould have been if this Act had never been made.

Nor any Vouchers in Writs of *Formedon*.

VIII. *Provided always, and be it further Enacted by the Authority aforeſaid*, That this Act, or any Thing herein before contained, ſhall not extend to make void any Eſtate or Conveyance, by Reaſon whereof any Perſon or Perſons ſhall uſe any Voucher in any Writ of *Formedon*, now depending, or hereafter to be depending; but that all and every ſuch Vouchers in any Writ of *Formedon*, ſhall ſtand and be in like Force and Effect, as if this Act had never been made.

All Eſtates by Livery and Seiſin only, or by Parol, to be conſidered as Eſtates at Will,

IX. And for the Prevention of many fraudulent Practices, which are commonly endeavoured to be upheld by Perjury, and Subornation of Perjury; *Be it further Enacted by the Authority aforeſaid*, That all Leaſes, Eſtates, Intereſt of Freehold, or Terms of Years, or any uncertain Intereſts of, in, to or out of any Meſſuages, Manors, Lands, Tenements or Hereditaments, made or created, or hereafter to be made or created, by *Livery* and *Seiſin* only, or by *Parol*, and not in Writing, and ſigned by the Parties ſo making and creating the ſame, or their Agents thereunto lawfully authoriſed by Writing, ſhall have the Force and Effect of Leaſes, or Eſtates at Will only, and ſhall not, either in Law or Equity, be deemed or taken to have any other or greater Force or Effect; any Conſideration for making any ſuch Parol Leaſes, or Eſtates, or any former Law or Uſage to the Contrary notwithſtanding. *Except nevertheleſs*, All Leaſes not exceeding the Term of *three* Years from the making thereof, whereupon the Rent reſerved to the Landlord during ſuch Term, ſhall amount unto two third Parts, at the leaſt, of the full improved Value of the Thing demiſed.

Except Leaſes for *three* Years.

No Leaſe or Intereſt in Lands to be granted or aſſigned but in Writing.

X. *And be it further Enacted by the Authority aforeſaid*, That no Leaſes, Eſtates or Intereſts, either of Freehold, or Terms of Years, or any uncertain Intereſt of, in, to or out of any Meſſuages, Manors, Lands, Tenements or Hereditaments, ſhall at any Time hereafter be aſſigned, granted or ſurrendered, unleſs it be by Deed or Note in Writing, ſigned by the Party ſo aſſigning, granting or ſurrendering the ſame, or their Agents thereunto lawfully authoriſed by Writing, or by Act and Operation of Law.

No Action to lie unleſs on Promiſe in Writing, to charge any Perſon for the Debt of others, or upon Conſideration of Marriage, or relating to Lands, or upon any Agreement not to be performed within a Year.

XI. *And be it further Enacted by the Authority aforeſaid*, That no Action ſhall be brought whereby to charge any Executor or Adminiſtrator, upon any ſpecial Promiſe to anſwer Damages out of his own Eſtate, or whereby to charge the Defendant, upon any ſpecial Promiſe, to anſwer for the Debt, Default or Miſcarriages of another Perſon, or to charge any Perſon upon any Agreement made upon Conſideration of Marriage, or upon any Contract or Sale of Lands, Tenements or Hereditaments, or any Intereſt in or concerning them, or upon any Agreement that is not to be performed within the Space of *one* Year from the making thereof, unleſs the Agreement upon which ſuch Action ſhall be brought, or ſome Memorandum or Note thereof ſhall be in Writing, and ſigned by the Party to be charged therewith, or ſome other Perſon thereunto by him or her lawfully authoriſed.

All Declarations & Creations of Truſts of Lands, to be in Writing.

XII. *And be it further Enacted by the Authority aforeſaid*, That all Declarations or Creations of Truſts or Confidences, of any Lands, Tenements or Hereditaments, ſhall be manifeſted and proved by ſome Writing, ſigned by the Party who is or ſhall be by Law enabled to declare ſuch Truſt, or by his laſt Will in Writing, or elſe they ſhall be utterly void, and of none Effect: But

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But all Declarations or Creations of Uſes, Truſts or Confidences of any Fines, or common Recoveries of any Lands, Tenements or Hereditaments, manifeſted and proved, or which hereafter ſhall be manifeſted and proved, by any Deed already made, or hereafter to be made, by the Party who is or ſhall be by Law enabled to declare ſuch Uſes or Truſts, after the levying or ſuffering of any ſuch Fines or Recoveries, are, and ſhall be as good and effectual in the Law, as if this Clauſe of this Act had not been made.

This Act not to affect any Truſt ariſing by Operation of Law.

XIII. *Provided always, and be it further Enacted by the Authority aforeſaid,* That where any Conveyance hath been or ſhall be made, of any Lands, Tenements or Hereditaments, by which a Truſt or Confidence ſhall or may ariſe or reſult, by Implication or Conſtruction of Law, or be transferred or extinguiſhed by Act or Operation of Law, then, and in every ſuch Caſe, ſuch Truſt or Confidence ſhall be of the like Force and Effect as the ſame would have been, if this Act had not been made.

Grants and Aſſignments of Truſts to be in Writing.

XIV. *And be it further Enacted by the Authority aforeſaid,* That all Grants and Aſſignments of any Truſt or Confidence, ſhall likewiſe be in Writing, ſigned by the Party granting or aſſigning the ſame, or by his or her laſt Will in Writing, or elſe ſhall likewiſe be utterly void, and of none Effect.

No Contracts for the Sale of Goods for 10l. or upwards, to be binding, unleſs Part of the Goods be delivered, or Earneſt given or a Memorandum in Writing be made.

XV. *And be it further Enacted by the Authority aforeſaid,* That no Contract for the Sale of any Goods, Wares and Merchandize, for the Price of *Ten Pounds* or upwards, ſhall be allowed to be good, except the Buyer ſhall accept Part of the Goods ſo ſold, and actually receive the ſame, or give ſomething in Earneſt to bind the Bargain, or in Part of Payment, or that ſome Note or Memorandum in Writing of the ſaid Bargain, be made and ſigned by the Parties to be charged by ſuch Contract, or their Agents thereunto lawfully authoriſed.

CHAP. XLV.

An ACT *concerning the Proofs, Acknowledgments and Regiſtries of certain Deeds and Conveyances.*

Paſſed 1ſt March, 1787.

WHEREAS, during the late War between the United States of *America*, and the King of *Great-Britain*, many Deeds, Conveyances and Writings, relating to the Title or Property of Lands, Meſſuages, Tenements or Hereditaments within this State, executed *bona Fide*, and for good and valuable Conſiderations, within the Southern Diſtrict of this State, have been proved and acknowledged before, and regiſtered by Perſons reſiding in the ſaid Diſtrict, and deriving their Authority from the ſaid King: *And whereas* it has now become impracticable, from the Death of many Perſons, and the Removal of others from this State, before and ſince the Concluſion of the ſaid War, to have the ſaid Deeds, Conveyances and Writings proved, acknowledged and regiſtered, in the Manner required by the Laws of this State, by Reaſon whereof many of the ſaid Deeds, Conveyances and Writings, will be rendered altogether invalid and ineffectual; Therefore, *Be it Enacted by the People of the State of* New-York, *repreſented in Senate and Aſſembly, and it is hereby Enacted by the Authority of the ſame,* That all Deeds, Conveyances and Writings, relating to the Title or Property of any Lands, Meſſuages, Tenements or Hereditaments, within this State, which have been executed *bona Fide*, and for good or valuable Conſiderations, within the Southern Diſtrict of this State, after the ninth Day of *July*, in the Year One Thouſand Seven Hundred and Seventy-ſix, and before the Twenty-fifth Day of *November*, One Thouſand Seven Hundred and Eighty-three, and

Conveyances of Lands in the Southern Diſtrict, between the 9th *July*, 1776, and the 25th *November*, 1783, proved before and regiſtered by Perſons deriving Authority from the King of *Great-Britain*, declared valid.

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and have been proved and acknowledged before, and registered by any Person or Persons residing in the said District, and deriving Authority, for the Purpose, from the said King of *Great-Britain*, in the Mode and Manner which have been usual in Cases of the like Nature, whilst this State was a Colony, shall be as valid and effectual in the Law, and shall have the like Operation and Effect, in every Respect, to all Intents, Constructions and Purposes whatsoever, as if the said Deeds, Conveyances and Writings had been proved and acknowledged before, and registered by, Persons duly authorised by the Laws of this State to take the Proofs and Acknowledgments of the said Deeds, Conveyances and Writings, and to register the same. *Provided always*, That nothing in this Act shall be construed to prevent or stay any Execution or Writ of Possession, in any Cause wherein Judgment has been given, and no Execution or Writ of Possession issued.

But this Act not to stay Writs of Possession on Judgment obtained.

CHAP. XLVI.

Suspended, 10th Sess. Ch. 79. Sec. 3. except as to Appointment of Simeon De Witt *an Agent.*

Obsolete.

An ACT *to complete the running a certain Line of Jurisdiction therein mentioned, between this State and the Commonwealth of* Massachusetts.

Passed 1st March, 1787.

CHAP. XLVII.

An ACT *to reduce the Laws concerning Wills into one Statute.*

Passed 3d March, 1787.

I. BE *it Enacted by the People of the State of* New-York, *represented in Senate and Assembly, and it is hereby Enacted by the Authority of the same*, That all and every Person and Persons having a sole Estate or Interest in Fee Simple, or of any Estate of Inheritance, or seised in Fee Simple in Coparcenary, or in Common, in Fee Simple, or of any Estate of Inheritance, of and in any Manors, Lands, Tenements, Rents or other Hereditaments, in Possession, Reversion or Remainder, or of Rents or Services incident to any Reversion or Remainder, shall have full and free Liberty, Power and Authority, to give, dispose, will or devise, to any Person or Persons (except Bodies Politic and Corporate) by his last Will and Testament in Writing, or otherwise by any Act or Acts lawfully executed in his Life-Time, by himself solely, or by himself and others jointly, severally or particularly, or by all those Ways, or any of them, as much as in him of Right is or shall be, all his said Manors, Lands, Tenements, Rents and Hereditaments, or any of them, or any Rents, Commons or other Profits or Commodities, out of, or to be perceived of the same, or out of any Part thereof, at his own free Will and Pleasure.

Persons having Estates of Inheritance, may devise the same to any Person, except Bodies Politic and Corporate.

II. *Provided always, and be it further Enacted by the Authority aforesaid*, That all Devises and Bequests of any Manors, Lands, Tenements, Rents or Hereditaments, or of any Rents, Commons or other Profits or Commodities, out of, or to be perceived of the same, shall be in Writing, and signed by the Party so devising the same, or by some other Person in his Presence, and by his express Directions; and shall be attested and subscribed in the Presence of the said Devisor, by three or more credible Witnesses, or else they shall be utterly void and of none Effect.

All Wills to be in Writing, signed by the Party in the Presence of three Witnesses.

III. *And be it further Enacted by the Authority aforesaid*, That no Devise or Bequest in Writing, of any Manors, Lands, Tenements, Rents or Hereditaments, or of any Rents, Commons or other Profits or Commodities, out of, or to be perceived of the same, or out of any Parcel thereof, or any Clause thereof, shall be revocable, otherwise than by some other Will or Codicil in Writing, or other Writing declaring the same, or by burning,

How such Wills may be revoked or cancelled.

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cancelling, tearing or obliterating the ſame, by the Teſtator himſelf, or in his Preſence, and by his Direction and Conſent; but all Deviſes and Bequeſts of any Manors, Lands, Tenements, Rents or Hereditaments, or of any Rents, Commons or other Profits or Commodities, out of, or to be perceived of the ſame, or out of any Parcel thereof, ſhall remain and continue in Force until the ſame be burnt, cancelled, torn or obliterated by the Teſtator, or by his Directions, in Manner aforeſaid, or unleſs the ſame be revoked or altered by ſome other Will or Codicil in Writing, or other Writing of the Deviſor, ſigned in the Preſence of three or more Witneſſes, declaring the ſame.

Eſtates, *per Auter vie*, deviſable.

IV. *And be it further Enacted by the Authority aforeſaid*, That all Eſtates *pur auter vie*, ſhall be deviſable by Will in Writing, ſigned by the Party ſo deviſing the ſame, or by ſome other Perſon in his Preſence, and by his expreſs Directions, and atteſted and ſubſcribed in the Preſence of the Deviſor, by three or more Witneſſes. And if no ſuch Deviſe thereof be made, the ſame, or ſo much thereof as ſhall not be ſo deviſed, ſhall go to the Executors or Adminiſtrators of the Party who had the Eſtate thereof by Virtue of the Grant, and ſhall be Aſſets in their Hands, and be applied and diſtributed in the ſame Manner as the perſonal Eſtate of the Teſtator or Inteſtate.

Wills made by Feme Coverts, Infants, Ideots and Lunatics, not good.

V. *And be it further Enacted by the Authority aforeſaid*, That Wills or Teſtaments made of any Manors, Lands, Tenements, Rents or Hereditaments, or of any Rents, Commons or other Profits or Commodities, out of, or to be perceived of the ſame, by any Woman Covert, or Perſon within the Age of Twenty-one Years, Idiot, or any Perſon of unſane Memory, ſhall not be taken to be good or effectual in the Law.

Deviſes to any Perſon atteſting the Execution of any Will, void;

VI. *And be it further Enacted by the Authority aforeſaid*, That if any Perſon hath atteſted the Execution of any Will or Codicil, after the firſt Day of *March* in the Year of our Lord One Thouſand Seven Hundred and Fifty-three, or ſhall atteſt the Execution of any Will or Codicil, hereafter to be made, to whom any beneficial Deviſe, Legacy, Eſtate, Intereſt, Gift or Appointment, of or affecting any real or perſonal Eſtate, other than, and except Charges on Lands, Tenements or Hereditaments, for the Payment of any Debt or Debts, hath been or ſhall be thereby given or made, ſuch Deviſe, Legacy, Eſtate, Intereſt, Gift or Appointment, ſhall, ſo far only as concerns ſuch Perſon atteſting the Execution of ſuch Will or Codicil, or any Perſon claiming under him, be utterly null and void. And ſuch Perſon ſhall be admitted as a Witneſs to the Execution of ſuch Will or Codicil, within the Intent of this Act, notwithſtanding ſuch Deviſe, Legacy, Eſtate, Intereſt, Gift or Appointment mentioned in ſuch Will or Codicil.

And ſuch Perſon deemed a good Witneſs to prove the ſame Will.

Creditors admitted as Good Witneſſes to Wills.

VII. *And be it further Enacted by the Authority aforeſaid*, That in Caſe, by any Will or Codicil made or to be made, any Lands, Tenements or Hereditaments, are or ſhall be charged with any Debt or Debts, and any Creditor whoſe Debt is ſo charged, hath atteſted, or ſhall atteſt the Execution of ſuch Will or Codicil, every ſuch Creditor, notwithſtanding ſuch Charge, ſhall be admitted as a Witneſs to the Execution of ſuch Will or Codicil, within the Intent of this Act. *And further*, That if any Perſon hath atteſted the Execution of any Will or Codicil, made on or before the ſaid firſt Day of *March*, in the Year of our Lord One Thouſand Seven Hundred and Fifty-three, to whom any Legacy or Bequeſt is thereby given, whether charged upon Lands, Tenements or Hereditaments, or not; and ſuch Perſon, before he ſhall give his Teſtimony concerning the Execution of any ſuch Will or Codicil, ſhall have been paid, or have accepted or releaſed, or ſhall have refuſed to accept ſuch Legacy or Bequeſt, upon Tender made thereof, ſuch Perſon ſhall be admitted as a Witneſs to the Execution of ſuch Will

Any Legatee being a Witneſs to a Will on or before the firſt of *March*, 1753, having been paid, releaſed, or refuſed to accept ſuch Legacy, declared a good Witneſs;

or

or Codicil, within the Intent of this Act, notwithſtanding ſuch Legacy or Bequeſt; and in Caſe of ſuch Tender and Refuſal as aforeſaid, ſuch Perſon ſhall in no wiſe be entitled to ſuch Legacy or Bequeſt, but ſhall be forever afterwards barred therefrom; and in Caſe of ſuch Acceptance as aforeſaid, ſuch Perſon ſhall retain to his own Uſe, the Legacy or Bequeſt which ſhall have been ſo paid, ſatisfied or accepted, notwithſtanding ſuch Will or Codicil ſhall afterwards be adjudged or determined to be void, for Want of due Execution, or for any other Cauſe or Defect whatſoever. *And further*, That in Caſe any ſuch Legatee as aforeſaid, who hath atteſted the Execution of any Will or Codicil, made on or before the ſaid firſt Day of *March*, in the Year of our Lord One Thouſand Seven Hundred and Fifty-three, ſhall have died in the Teſtator's Life Time, or before he ſhall have received or releaſed, or refuſed, on Tender, his Legacy; ſuch Legatee ſhall be deemed a legal Witneſs to the Execution of ſuch Will or Codicil, within the Intent of this Act, notwithſtanding ſuch Legacy or Bequeſt. *Provided always*, That the Credit of every ſuch Witneſs ſo atteſting the Execution of any Will or Codicil, in any of the Caſes in this Act before mentioned, and all Circumſtances relating thereto, ſhall be ſubject to the Conſideration and Determination of the Court, and the Jury before whom any ſuch Witneſs ſhall be examined, or his Teſtimony or Atteſtation made uſe of, or of the Court of Equity, in which the Teſtimony or Atteſtation of any ſuch Witneſs ſhall be made uſe of, in like Manner, to all Intents and Purpoſes, as the Credit of Witneſſes, in all other Caſes, ought to be conſidered of and determined.

Any ſuch Legatee having died in the Teſtator's Life Time, or before he received, releaſed, or refuſed ſuch Legacy, to be deemed a legal Witneſs.

But the Credit of every ſuch Witneſs, to be left to the Court and Jury.

VIII. *And be it further Enacted by the Authority aforeſaid*, That no Perſon to whom any beneficial Eſtate, Intereſt, Gift or Appointment, hath been or ſhall be given or made, which is hereby enacted to be null and void, or who ſhall have refuſed to receive any ſuch Legacy or Bequeſt, on Tender made as aforeſaid, and who ſhall have been examined as a Witneſs concerning the Execution of ſuch Will or Codicil, ſhall, after he ſhall have been ſo examined, demand or take Poſſeſſion of, or receive any Profit or Benefit of or from any ſuch Eſtate, Intereſt, Gift or Appointment, ſo given or made to him, in or by any ſuch Will or Codicil, or demand, receive or accept, from any Perſon or Perſons whatſoever, any ſuch Legacy or Bequeſt, or any Satisfaction or Compenſation for the ſame, in any Manner, under any Colour or Pretence whatſoever.

No Legatee refuſing his Legacy, and atteſting the Will, ſhall be entitled to ſuch Legacy.

IX. *And be it further Enacted by the Authority aforeſaid*, That the Clauſes in this Act concerning the Competency or Credibility of the Witneſſes to Wills and Codicils, made on or before the ſaid firſt Day of *March*, in the Year of our Lord One Thouſand Seven Hundred and Fifty-three, ſhall not extend, or be conſtrued to extend to the Caſe of any Heir at Law, or of any Deviſee in a prior Will or Codicil of the ſame Teſtator, executed and atteſted according to this Act, or any Perſon claiming under either of them reſpectively, who was in quiet Poſſeſſion on the ſaid firſt Day of *March*, in the Year of our Lord One Thouſand Seven Hundred and Fifty-three, as to ſuch Lands, Tenements and Hereditaments, whereof he was then in quiet Poſſeſſion as aforeſaid; nor to any Will or Codicil, the Validity or due Execution whereof hath been conteſted in any Suit in Law or Equity, commenced by the Heir of ſuch Deviſor, or the Deviſee in any ſuch prior Will or Codicil, for recovering the Lands, Tenements or Hereditaments mentioned to be deviſed in any Will or Codicil ſo conteſted, or any Part thereof, or for obtaining any other Judgment or Decree relative thereto, and which has been already determined in Favour of ſuch Heir at Law, or Deviſee in ſuch prior Will or Codicil, or any Perſon claiming under them reſpectively; but no Poſſeſſion of any Heir at Law, or Deviſee in ſuch prior Will or Codicil as aforeſaid, or of any Perſon claiming under them reſpectively, which is conſiſtent

This Act reſpecting the Competency of Witneſſes to Wills made on or before the firſt of *March*, 1753, not to extend to any Heir at Law, or Deviſee in a prior Will, who was in Poſſeſſion on that Day,

Nor to any Will conteſted by Suit, by ſuch Heir or Deviſee, and determined in his Favour.

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ſiſtent with, or may be warranted by or under any Will or Codicil, atteſted according to the true Intent and Meaning of this Act; or where the Eſtate deſcended, or might have deſcended to ſuch Heir at Law, till a future or executory Deviſe, by Virtue of any Will or Codicil atteſted according to this Act, ſhould or might take Effect, ſhall be deemed to be a Poſſeſſion within the Intent of this Clauſe of this Act.

Where Lands are directed in any Will to be ſold by the Executors, and Part refuſe to act, ſuch as do accept may ſell the ſame.

X. *And be it further Enacted by the Authority aforeſaid*, That where any Lands, Tenements or Hereditaments have been, or ſhall be given or deviſed by any laſt Will or Teſtament, executed in due Form of Law as aforeſaid, to the Executors therein named, or any of them, to be ſold, or hath been or ſhall be thereby ordered or directed to be ſold by the Executors therein named, or any of them; and after the Death of ſuch Teſtator, Part of ſuch Executors named in ſuch laſt Will and Teſtament, refuſe or neglect to take upon him or them the Execution or Adminiſtration and Charge of the ſame laſt Will and Teſtament, wherein they be ſo named to be Executors, and the Reſidue of the Executors do accept and take upon them the Execution, Adminiſtration and Charge of the ſame laſt Will and Teſtament, then all Bargains and Sales of any ſuch Lands, Tenements or Hereditaments ſo willed to be ſold by the Executors of any ſuch Teſtator, as well heretofore made as hereafter to be made, by him or them only of the ſaid Executors that ſo do accept, or that heretofore have accepted and taken upon him or them any ſuch Charge of Adminiſtration of any ſuch Will or Teſtament, ſhall be as good and as effectual in the Law, as if all the Reſidue of the ſame Executors named in the ſaid Will or Teſtament, ſo refuſing the Adminiſtration of the ſame Will or Teſtament, had joined with him or them in the making of the Bargain and Sale of ſuch Lands, Tenements or other Hereditaments, ſo willed to be ſold by the Executors of any ſuch Teſtator, who hath heretofore made or declared, or who hereafter ſhall make or declare any ſuch Will of any ſuch Lands, Tenements or other Hereditaments, after his Deceaſe, to be ſold by his Executors.

A Father may, by Deed or Will, diſpoſe of the Cuſtody and Tuition of his Children under Age.

XI. *And be it further Enacted by the Authority aforeſaid*, That when any Perſon hath, or ſhall have, any Child or Children under the Age of Twenty-one Years, and not married at the Time of his Death, that it ſhall and may be lawful to and for the Father of ſuch Child or Children, whether born at the Time of the Deceaſe of the Father, or at that Time in *Ventre ſa Mere*, or whether ſuch Father be within the Age of Twenty-one Years, or of full Age, by his Deed executed in his Life Time, or by his laſt Will and Teſtament in Writing, ſigned by ſuch Father, or by ſome other Perſon in his Preſence, and by his expreſs Direction, and atteſted and ſubſcribed in the Preſence of ſuch Father, by three or more credible Witneſſes, in ſuch Manner and Form, and from Time to Time, as he ſhall reſpectively think fit, to diſpoſe of the Cuſtody and Tuition of ſuch Child or Children, for and during ſuch Time as he or they ſhall reſpectively remain under the Age of Twenty-one Years, or any leſs Time, to any Perſon or Perſons, in Poſſeſſion or Remainder; and that ſuch Diſpoſition of the Cuſtody of ſuch Child or Children, made, or hereafter to be made, ſhall be good and effectual, againſt all and every Perſon and Perſons claiming the Cuſtody or Tuition of ſuch Child or Children, as Guardian in Soccage, or otherwiſe; and that ſuch Perſon or Perſons to whom the Cuſtody of ſuch Child or Children hath been, or ſhall be ſo diſpoſed or devifed as aforeſaid, ſhall and may maintain an Action of Raviſhment of Ward, or Treſpaſs, againſt any Perſon or Perſons who ſhall wrongfully take away or detain ſuch Child or Children, for the Recovery of ſuch Child or Children; and ſhall and may recover Damages for the ſame, in the ſaid Action, for the Uſe and Benefit of ſuch Child or Children.

XII. *And*

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XII. *And be it further Enacted by the Authority aforeſaid*, That ſuch Perſon or Perſons to whom the Cuſtody of ſuch Child or Children, hath been or ſhall be ſo diſpoſed or deviſed, ſhall and may take into his and their Cuſtody, to the Uſe of ſuch Child or Children, the Profits of all Lands, Tenements and Hereditaments of ſuch Child or Children, and alſo the Cuſtody, Tuition and Management of the Goods, Chattels and perſonal Eſtate of ſuch Child or Children, till their reſpective Age of Twenty-one Years, or any leſs Time, according to ſuch Diſpoſition aforeſaid, and may bring ſuch Action or Actions in Relation thereunto, as by Law a Guardian in common Soccage might do.

Such Perſons to take the Profits of the Eſtate of ſuch Children to their Uſe,

And may bring Actions for the ſame.

XIII. *And be it further Enacted by the Authority aforeſaid*, That it ſhall and may be lawful to and for all and every Perſon and Perſons, by his or their Teſtament or laſt Will in Writing, to give, bequeath or diſpoſe of all his, her or their Goods, Chattels and perſonal Eſtate, in the ſame Manner as he, ſhe or they lawfully might do before the paſſing of this Act.

Perſonal Eſtates may be bequeathed as heretofore.

XIV. *And be it further Enacted by the Authority aforeſaid*, That it ſhall and may be lawful for Widows to bequeath the Crop of their Ground, as well of their Dowers as of their other Lands and Tenements.

Widows may bequeath their Crops.

XV. *And be it further Enacted by the Authority aforeſaid*, That no *Nuncupative Will* heretofore made, or hereafter to be made, ſhall be good, where the Eſtate thereby bequeathed ſhall exceed the Value of *Thirty Pounds*, lawful Money of this State; unleſs the ſame be proved by the Oaths of three Witneſſes at the leaſt, who were preſent at the making thereof; nor unleſs it be proved that the Teſtator, at the Time of pronouncing the ſame, did bid the Perſons preſent, or ſome of them, bear Witneſs that ſuch was his or her Will, or Words to that Effect; nor unleſs ſuch *Nuncupative Will* was made in the Time of the laſt Sickneſs of the Deceaſed, and in the Houſe of his or her Habitation or Dwelling, or where he or ſhe hath been Reſident for the Space of ten Days or more, next before the making of ſuch Will; except where ſuch Perſon was ſurpriſed or taken ſick, being from his or her own Home, and died before he or ſhe returned to the Place of his or her Dwelling.

Nuncupative Wills how to be made and proved,

XVI. *And be it further Enacted by the Authority aforeſaid*, That after *ſix* Months paſſed, after the ſpeaking of the pretended Teſtamentary Words, no Teſtimony ſhall be received to prove any *Nuncupative Will*, except the ſaid Teſtimony, or the Subſtance thereof, were committed to Writing, within *ſix* Days after the making of the ſaid Will.

No Proof of any ſuch Will to be taken after *ſix* Months, unleſs reduced to writing in *ſix* Days.

XVII. *And be it further Enacted by the Authority aforeſaid*, That no Letters Teſtamentary, or Probate of any *Nuncupative Will*, ſhall paſs the Seal of any Court till fourteen Days at the leaſt after the Deceaſe of the Teſtator ſhall be fully expired; nor ſhall any *Nuncupative Will* be at any Time received to be proved, unleſs Proceſs hath firſt iſſued to call in the Widow, or next of Kindred to the Deceaſed, to the End they may conteſt the ſame if they pleaſe.

No ſuch Will to be proved until fourteen Days after ſuch Teſtator's Deceaſe.

XVIII. *And be it further Enacted by the Authority aforeſaid*, That no Will or Teſtament in Writing, concerning any Goods or Chattels, or perſonal Eſtate, ſhall be repealed, nor ſhall any Clauſe, Deviſe or Bequeſt therein, be revoked, altered or changed, by any Words, or Will by Word of Mouth only, except the ſame be in the Life Time of the Teſtator, committed to Writing, and after the writing thereof, read unto the Teſtator, and allowed and approved of by him or her, and proved ſo to be done by three Witneſſes at the leaſt.

No written Will, or any Clauſe thereof, to be revoked by any Nuncupative Will, unleſs in Writing, read to the Teſtator, and proved by three Witneſſes.

XIX. *And be it further Enacted by the Authority aforeſaid*, That all ſuch Witneſſes as are and ought to be allowed to be good Witneſſes upon Trials at

Who ſhall be good Witneſſes to prove Nuncupative Wills.

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at Law, by the Laws and Cuſtoms of this State, ſhall be deemed good Witneſſes to prove any *Nuncupative Will*, or any Thing relating thereunto.

This Act to extend to Wills made within ſixty Years, and hereafter to be made.

XX. *And be it further Enacted by the Authority aforeſaid*, That this Act ſhall extend as well to Wills and Teſtaments made within *ſixty* Years laſt paſt, except where it is otherwiſe herein before provided, as to Wills and Teſtaments hereafter to be made.

A Soldier or Mariner may diſpoſe of his perſonal Eſtate as before this Act.

XXI. *Provided always, and be it further Enacted by the Authority aforeſaid*, That notwithſtanding this Act, any Soldier being in actual Military Service, or any Mariner or Seaman, being at Sea, may diſpoſe of his Moveables, Wages, and perſonal Eſtate, as he or they might have done before the making of this Act.

CHAP. XLVIII.

An ACT *for preventing and avoiding Alienations by Tenants for Life, and Recoveries by Colluſion.*

Paſſed 3d March, 1787.

Diſcontinuances and Alienations by a Woman, of her Dower or Eſtate for Life in Lands of her Huſband, with or without Warranty, and Recoveries of the ſame by Covin, to be void;

I. BE *it Enacted by the People of the State of* New-York, *repreſented in Senate and Aſſembly, and it is hereby Enacted by the Authority of the ſame*, That if any Woman who hath had, now hath, or hereafter ſhall have, any Eſtate in Dower, or for Term of Life, jointly with her Huſband, or only to herſelf, or to her Uſe, in any Lands, Tenements or Hereditaments, of the Inheritance or Purchaſe of her Huſband, or given to the ſaid Huſband and his Wife for Term of Life, by any of the Anceſtors of the ſaid Huſband, or by any other Perſon, ſeiſed to the Uſe of the ſaid Huſband or of his Anceſtors, and being ſole, or with any other after-taken Huſband, hath diſcontinued, aliened, releaſed or confirmed, or hereafter ſhall diſcontinue, alien, releaſe or confirm, with Warranty or without Warranty, or hath ſuffered, or ſhall ſuffer any Recovery by Covin againſt her, them or any of them, or any other ſeiſed to their Uſe, or to the Uſe of either of them as aforeſaid; that all ſuch Recoveries, Diſcontinuances, Alienations, Releaſes, Confirmations and Warranties, ſo had and made, and henceforth to be had and made, ſhall be utterly void and of none Effect. And that it ſhall be lawful to every Perſon and Perſons, to whom the Intereſt, Title or Inheritance, after the Deceaſe of ſuch Woman, of the ſaid Lands, Tenements and Hereditaments, ſo being diſcontinued, aliened or ſuffered to be recovered as aforeſaid, do or ſhall appertain, to enter into all and every of the ſaid Premiſes, and peaceably to poſſeſs and enjoy the ſame, in ſuch Manner and Form as he, ſhe or they ſhould have done, if no ſuch Diſcontinuance, Alienation, Warranty or Recovery had been had or made. *And further*, That if any ſuch Woman, with any ſuch after-taken Huſband, or any other ſeiſed, or who ſhall be ſeiſed to their or either of their Uſe, of ſuch Eſtate as aforeſaid, ſhall, during the Coverture between them, make, or cauſe to be made, or ſuffer any ſuch Diſcontinuance, Alienation, Warranty or Recovery, in Form aforeſaid, that then it ſhall be lawful to the Perſon or Perſons to whom the ſaid Lands, Tenements or Hereditaments ſhould or ought to belong, after the Deceaſe of the ſaid Woman, immediately after the ſaid Diſcontinuance, Alienation, Warranty or Recovery, to enter into the ſame Lands, Tenements and Hereditaments, and them to poſſeſs and enjoy during the Life of the ſaid Huſband, according to ſuch Title and Intereſt as they ſhould have had in the ſame, if the ſame Woman had been dead, and no Diſcontinuance, Warranty nor Recovery had: But that the ſaid Woman, in ſuch Caſe, after the Deceaſe of the ſaid Huſband, if ſhe ſurvive him, may re-enter into the ſame Lands, Tenements and Hereditaments, and enjoy the ſame according to her

And the Perſons entitled to the Inheritance, may enter.

If ſuch Woman, with any after-taken Huſband, ſhall make ſuch Diſcontinuance, or ſuffer ſuch Recovery, the Perſon entitled to the Inheritance may immediately enter;

But the Woman, if ſhe ſurvives the Huſband, may re-enter;

her firſt Eſtate in the ſame. But if the ſaid Woman, at the Time of ſuch Diſcontinuance, Alienation, Recovery or Warranty, in Form aforeſaid, to be had, made or ſuffered, of any of the Premiſes, be ſole, that then ſhe ſhall be barred and excluded of her Title and Intereſt in the ſame from thenceforth; and the Perſon or Perſons to whom the Title, Intereſt and Poſſeſſion of the ſame ſhould belong, after the Deceaſe of the ſaid Woman, ſhall immediately after the ſaid Diſcontinuance, Alienation, Warranty or Recovery, enter into the ſame Lands, Tenements and other Hereditaments, and poſſeſs and enjoy the ſame according to his, her or their Title in the ſame. *Provided always*, That this Act ſhall not extend to any ſuch Recovery or Diſcontinuance had or to be had, with the Heirs next inheritable to the ſaid Woman, or where he or they, that next after the Death of the ſame Woman, ſhould have Eſtate of Inheritance in the ſame Lands, Tenements or Hereditaments, be aſſenting or agreeable to the ſaid Recovery, where the ſame Aſſent or Agreement is of Record or enrolled. *And provided alſo*, That it ſhall be lawful to every ſuch Woman, being ſole or married, after the Death of her firſt Huſband, to give, ſell or make Diſcontinuance of any ſuch Lands, Tenements or Hereditaments, for Term of her Life only, after the Courſe and Uſe of the Common Law.

And if ſhe was ſole at the Time of ſuch Alienation or Recovery, then ſhe ſhall be barred of her Title.

This Act not to extend to any Recovery or Diſcontinuance with the Aſſent of the Heir or Reverſioner.

But her Conveyances for Term of her Life good.

II. *And be it further Enacted by the Authority aforeſaid*, That no Fine, Feoffment, or other Act or Acts, made, ſuffered or done, or hereafter to be made, ſuffered or done by the Huſband only, of any Lands, Tenements or Hereditaments, being the Inheritance or Freehold of his Wife, during the Coverture between them, ſhall in any wiſe be, or make any Diſcontinuance thereof, or be prejudicial or hurtful to the ſaid Wife, or to her Heirs, or to ſuch as ſhall have Right, Title or Intereſt to the ſame, by the Death of ſuch Wife: But that the ſame Wife, or her Heirs, and ſuch other to whom ſuch Right ſhall appertain, after her Deceaſe, ſhall and may then lawfully enter into all ſuch Lands, Tenements and Hereditaments, and hold and enjoy the ſame, according to their Rights and Titles therein, as if no ſuch Fine, Feoffment or other Act, had been done or ſuffered.

No Fine or Conveyance by a Huſband only, of the Lands of his Wife, to prejudice her or her Heirs.

III. *And whereas*, when a Man doth loſe by Default the Land which was the Right of his Wife, it is very hard that the Wife, after the Death of her Huſband, ſhould have none other Recovery but by Writ of Right; For Remedy whereof, *Be it further Enacted by the Authority aforeſaid*, That a Woman, after the Death of her Huſband, ſhall recover by a Writ of Entry, whereto ſhe could not diſagree during his Life, which ſhall be pleaded in the following Form: If the Tenant do except againſt the Demand of the Wife, that he entered by Judgment, and it be found that his Entry was by Default, whereto the Tenant of Neceſſity muſt make Anſwer, if it be demanded of him, then he ſhall be compelled to make further Anſwer, and to ſhew his Right according to the Form of the Writ that he purchaſed before againſt the Huſband and the Wife; and if he can verify that he hath or had Right in the Land demanded, the Woman ſhall gain nothing by her Writ; which Thing, if he cannot ſhew, the Woman ſhall recover the Land in Demand.

How a Woman may recover her Lands loſt by Default of her Huſband, by a *Cui in Vita*.

IV. *And be it further Enacted by the Authority aforeſaid*, That when any Huſband and Wife ſhall be impleaded, if the Huſband abſent himſelf, and will not defend his Wife's Right, or againſt his Wife's Conſent will render the Land, if the Wife do come before Judgment, ready to anſwer the Demandant, and to defend her Right, the Wife ſhall be admitted without her Huſband.

Wife to be received to defend her Right upon the Default of her Huſband.

V. *And be it further Enacted by the Authority aforeſaid*, That if any Tenant in Dower, Tenant by the Courteſy, or other Tenant for Term of Life or Lives, is or ſhall be impleaded, and he, ſhe or they to whom the Reverſion or

Reverſioner to be received to defend his Right,

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or Remainder doth or ſhall appertain, ſhall come into Court, and pray to be received to defend his, her or their Right, at the Day that the Tenant pleadeth to the Action, or before, and before Judgment, he, ſhe or they ſhall be received to defend his, her or their Right, and to plead in Chief to the Action. And that Days of Grace ſhall be given by the Diſcretion of the Court, between the Demandant and him, her or them, who is, are or ſhall be received in ſuch Caſe, without giving the common Days in Pleas of Land, unleſs the Demandant will conſent, to the Intent that the Demandant be not too much delayed, becauſe he muſt plead with two Adverſaries. *Provided always*, That he, ſhe and they, who ſhall come in by a collateral Title, and deſire to be received as aforeſaid, as well where the Receipt is counterpleaded, as where it is granted, ſhall, before he, ſhe or they be received, find ſufficient Surety, as the Court ſhall award, to ſatisfy the Demandant of the Iſſues of the Tenements demanded, from the Day that he, ſhe or they ſhall be received, until the Time that final Judgment be given, if Judgment paſs for the Demandant againſt him, her or them, in Reverſion or Remainder aforeſaid. And if the Demandant recover his Demand, he ſhall alſo recover his Damages and Coſts of Suit againſt ſuch Tenant by Receipt: But if ſuch Tenant can prove his or her Right to be as good as he or ſhe affirmed, at ſuch Time as he or ſhe was received, then he or ſhe ſhall go quit, and recover his or her Coſts againſt the Demandant.

He who comes in by a collateral Title, ſhall find Surety.

Where Tenant in Dower, by the Courteſy or for Life, loſes by Default, the Heirs, Reverſioner or Remainder Man, may recover by Writ of Entry,

VI. *And be it further Enacted by the Authority aforeſaid*, That if any Tenant in Dower, Tenant by the Courteſy, or other Tenant for Term of Life or Lives, who hath been, now is, or ſhall be impleaded, hath made, or ſhall make Default, or hath given, or ſhall give up the Tenements demanded, and Judgment hath been or ſhall be given upon ſuch Default or Surrender, then the Heirs, or he, ſhe or they to whom the Reverſion or Remainder doth or ſhall appertain, after the Death of ſuch Tenants, ſhall have their Recovery by a Writ of Entry, in which the like Proceſs ſhall be obſerved, as in Caſes where the Huſband loſeth his Wife's Land by Default; and ſo in the Caſes aforeſaid, two Actions do concur, one between the Demandant and Tenant, and another between the Tenant ſhewing his or her Right, and the Demandant.

Or may have Attaint,

‡ *Attaints aboliſhed*, 11*th Seſſ. Ch.* 46. *Sec.* 36.

Or Writ of Error;

And on Reverſal of Judgment, Tenant to be reſtored, if alive.

VII. *And be it further Enacted by the Authority aforeſaid*, That if any Tenant for Term of Life, Tenant in Dower or Tenant by the Courteſy, be impleaded and plead to an Inqueſt, and loſe by the Oath of twelve Men, or by Default, or in other Manner, that the Perſon or Perſons to whom the Reverſion or Remainder of the Tenements ſo loſt doth or ſhall appertain, at the Time of ſuch Judgment given, his, her or their Heirs or Succeſſors, ſhall have an Action by Writ of ‡ *Attaint*, to attaint the ſame Oath, if he, ſhe or they, will aſſign the ſame Oath to be falſe; and alſo by Writ of Error, if Error be found in the Record of ſuch Judgment, as well in the Life Time of ſuch Tenants who have loſt or ſhall loſe, as after their Death. And if ſuch Judgment be reverſed, or ſuch Oath be found falſe, that the Tenant who loſt by the firſt Judgment, if he or ſhe be in Life, ſhall be reſtored to his or her Poſſeſſion of the Tenements ſo loſt, with the Iſſues in the mean Time; and the Party purſuing to the Arrearages of Rent, if any be due, for the ſame Tenement. And if ſuch Tenant be dead, at the Time of the Judgment given upon ſuch Writs of Attaint, or of Error, that Reſtitution be made to the Party purſuing, with the Iſſues, after the Death of the ſaid Tenant, together with the Arrearages of Rent, if any to him or her were due, in the Life Time of the ſaid Tenant. *Provided always*, That although the Tenant who ſo loſt by the firſt Judgment, be in Life, if the Party purſuing will alledge, that the ſame Tenant was of Covin, and of Aſſent of the Demandant who recovered, that ſuch Tenement ſhould be loſt, that Reſtitution

But if the Plaintiff alledges that the firſt Judgment was by Covin, Reſtitution ſhall be made to him;

tution of the ſame Tenements ſhall be made to the ſame Party purſuing, with the Iſſues and Arrearages as aforeſaid. But in ſuch Caſe ſuch Tenant ſhall have his or her Action by Writ of *Scire Facias*, out of the ſame Judgment ſo reverſed or given, on ſuch Writ of Attaint, or Writ of Error, if he or ſhe will traverſe the Covin and Aſſent aforeſaid, and not otherwiſe.

And the Tenant, if he denies the Covin, may have a *Scire Facias* againſt the Plaintiff.

VIII. *And be it further Enacted by the Authority aforeſaid*, That if any Man hath aliened, or ſhall alien any Tenement which he held, or doth or ſhall hold by the Courteſy, his Children ſhall not be barred by the Deed of their Father, to demand and recover of the Seiſin of their Mother, although the Deed of their Father doth or ſhall mention that he and his Heirs be bound to Warranty. Nor ſhall the Iſſue of any ſuch Children be barred in ſuch Caſe, by any ſuch Deed. And likewiſe, and in like Manner the Heirs of the Wife ſhall not be barred of their Action, after the Death of their Father and Mother, by the Deed of their Father, if they demand by Action the Inheritance of their Mother, which their Father did alien in the Life Time of their Mother.

Alienation by Tenant by the Courteſy or Huſband, not to bar the Iſſue of the Inheritance of their Mother.

IX. *And be it further Enacted by the Authority aforeſaid*, That the Suit of the Woman, or her Heirs, after the Death of her Huſband, for Lands or Tenements aliened by the Huſband, ſhall not be delayed by the Non-age of the Heir or Heirs who ought to warrant: But let the Purchaſer, who ought not to have been ignorant that he or ſhe bought the Right of another, tarry until the full Age of his or her Warrantor, to have his or her Warranty.

No Suit by a Woman or her Heirs, for Lands aliened by her Huſband, to be delayed by Non-age.

But the Purchaſer to tarry until the full Age of his Warrantor.

X. AND *whereas* divers Perſons being ſeiſed of Lands, Tenements and Hereditaments, as Tenants by the Courteſy, or otherwiſe, only for Term of Life or Lives, or of Eſtates determinable upon Life or Lives, have permitted or ſuffered other Perſons, by Agreement or Covin between them had, to recover the ſame Lands, Tenements and Hereditaments, againſt the ſame particular Tenants; or have permitted or ſuffered themſelves to be vouched by other Perſons, by Agreement or Covin between them had, in Recoveries ſuffered of the ſame Lands, Tenements and other Hereditaments, to the Prejudice of thoſe to whom the Reverſion or Remainder thereof appertained, or ought to appertain; For Remedy whereof, *Be it further Enacted by the Authority aforeſaid*, That all ſuch Recoveries heretofore had or proſecuted, or hereafter to be had or proſecuted, by Agreement of the Parties, or by Covin as aforeſaid, againſt any ſuch particular Tenant, of any Lands, Tenements or Hereditaments, whereof the ſame particular Tenant was, is or ſhall be ſeiſed, of any ſuch particular Eſtate as aforeſaid, or againſt any other, with Voucher over of any ſuch particular Tenant, or of any having, or that had Right or Title to any ſuch particular Eſtate or Tenancy as aforeſaid, ſhall from henceforth, as againſt ſuch Perſon or Perſons to whom any Reverſion or Remainder thereof, by Force of any Conveyance or Deviſe, before that Time had or made, did, ſhall, ought, or lawfully may appertain, and againſt their Heirs and Succeſſors, be clearly and utterly void, and of none Effect. *Provided always*, That nothing herein contained ſhall extend, or be prejudicial to any Perſon or Perſons who hath or have, or hereafter ſhall, by good Title, recover any Lands, Tenements or Hereditaments, without Fraud or Covin, by Reaſon of any former Right or Title; but that all and every ſuch Recovery and Recoveries, ſo had or proſecuted, or to be had or proſecuted, upon former Rights or Titles, ſhall ſtand and be in like Force, Strength and Effect, as if this Act had not been made. *Provided alſo*, That all and every ſuch Recovery and Recoveries, heretofore had or proſecuted, or hereafter to be had or proſecuted, of any Lands, Tenements or Hereditaments as aforeſaid, by the Aſſent and Agreement of any Perſon or Perſons to whom any Reverſion or Remainder thereof, then did, ſhall, or ought to appertain, ſo as the ſame

Recoveries by Agreement or Covin, againſt Tenants by Courteſy, or for Term of Life, void as to the Reverſioner or Remainder Man.

But this Act not to extend to any *bona Fide* Recovery by good Title;

Nor to Recoveries with the Aſſent of the Reverſioner or Remainder Man.

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Aſſent and Agreement do appear of Record in the Court where ſuch Recovery is or ſhall be had, ſhall ſtand and be of like Force, Strength and Effect, againſt ſuch Perſon and Perſons, who did or ſhall ſo aſſent and agree, their Heirs and Succeſſors, as if this Act had not been made.

XI. AND *whereas* before this Time, divers Perſons have made Leaſes of their Manors, Lands, Tenements and other Hereditaments, ſometimes by Deed and ſometimes without Writing, to other Perſons, for Term of Years, and afterwards the ſame Leſſors, their Heirs or Aſſigns, have cauſed or ſuffered Recoveries to be had againſt them, upon feigned and untrue Titles, by Craft or Covin, to put the ſame Farmers from their ſaid Terms, and after ſuch Recoveries had, the ſaid Recoverers, by Reaſon of ſuch Recoveries and Judgments, have entered into the ſaid Manors, Lands, Tenements and other Hereditaments, ſo to Farm letten, and thereof have expelled the ſaid Farmers, contrary to their ſaid Leaſes, Covenants and Agreements: And becauſe it hath been doubted whether the ſame Farmers might falſify ſuch Recoveries or not; Therefore, *Be it further Enacted by the Authority aforeſaid*, That every ſuch Farmer ſhall and may falſify, for his and her Term only, ſuch Recoveries, as well heretofore had as hereafter to be had, in ſuch Wiſe and Form, as a Tenant of the Freehold ſhall and may do, by the Courſe of the Common Law, where ſuch Tenant of the Freehold was neither Privy nor Party to the ſame Recovery. *And further*, That the ſame Farmers, their Executors, Adminiſtrators and Aſſigns, notwithſtanding ſuch Recoveries ſo had, ſhall retain, hold and enjoy their ſaid Terms, according to their ſaid Leaſes, againſt all ſuch Recoverers, their Heirs and Aſſigns, as they ſhould or might have done againſt the ſaid Leſſors, if ſuch Recovery had not been had nor ſuffered. And that the ſaid Recoverers, their Heirs and Aſſigns, after ſuch Recovery ſo had, ſhall have the like Remedy againſt the ſaid Farmers, their Executors, Adminiſtrators and Aſſigns, by Avowry or Action of Debt, for the Rents and Services reſerved upon the ſame Leaſes, being due, after the ſame Recoveries; and alſo like Actions againſt them for Waſte done, after the ſame Recoveries ſo had, in like Manner and Form as the ſaid Leſſors ſhould or might have had, if the ſame Recoveries had never been had. *And likewiſe*, No Execution ſhall hereafter be avoided, or in any wiſe made fruſtrate, by Means of any ſuch feigned Recovery; but that all Perſons having any Lands, Tenements or other Hereditaments, in Execution, or being entitled to have Execution of any Lands, Tenements or Hereditaments, ſhall have, by Force of this Statute, like Means to avoid and falſify the ſame Recoveries, as is above provided for the Leſſees for Term of Years.

Leſſees may falſify Recoveries,

And retain their Farms.

And ſuch Recoverers to have like Remedy for Rents and Waſte, as if no Recovery was had.

No Execution to be avoided by a feigned Recovery.

CHAP. XLIX.

Repealed, 11th Seſſ. Ch. 73. Sec. 4.

An ACT *for dividing the Diſtrict of the Manor of* Livingſton, *in* Columbia *County, and for annexing the Manor of* Fox-Hall, *to the Town of* Kingſton, *in* Ulſter *County.*

Paſſed 12th March, 1787.

CHAP. L.

An ACT *for giving further Remedy, and regulating the Proceſs and Proceedings in Aſſiſes, and other Actions.*

Paſſed 12th March, 1787.

I. BE *it Enacted by the People of the State of* New-York, *repreſented in Senate and Aſſembly, and it is hereby Enacted by the Authority of the ſame*, That if the Alienations whereupon Writs of Entry ought to be granted, happen to be made in ſo many Degrees, that by Reaſon thereof the Writ of Entry cannot be made in the uſual Form, mentioning the Degrees, then the

Where Demandants may have Writs of *Entry in le Poſt.*

the Demandants ſhall have a Writ to recover their Seiſin, without making mention of the Degrees, into whoſe Hands ſoever the Tenements ſhall happen to come by ſuch Alienations; but Writs of Entry without mentioning the Degrees, ſhall not be maintained, but in Caſes where the Writs making mention of the Degrees, cannot lie or hold Place.

Heirs of any Perſon may recover in one Writ.

II. *And be it further Enacted by the Authority aforeſaid*, That if any Perſon hath died, or ſhall die, leaving ſeveral Perſons his or her Heirs, either in the ſame Degree, or in different Degrees, all ſuch Heirs ſhall or may recover in one Writ or Action, as Heirs of the deceaſed Perſon.

Writ of Deceit, where maintainable.

III. *And be it further Enacted by the Authority aforeſaid*, That a Writ of Deceit ſhall be maintainable and hold Place, as well in the Caſe of Garniſhment touching Plea of Land, where ſuch Garniſhment is given, as in the Caſe of Summons in a Plea of Land.

How Perſons loſing by Default, may recover.

IV. AND *whereas* formerly, if any Perſon had loſt his or her Lands or Tenements by Default, he or ſhe had no other Recovery but by Writ of Right, which was not maintainable by any who could not claim of mere Right as Tenants for Term of Life, where a Reverſion is reſerved; Therefore, *Be it further Enacted by the Authority aforeſaid*, That their Default ſhall not be ſo prejudicial, but that they may recover their Eſtate by another Writ than by Writ of Right, if they have Right; and for Recovery of Land for Term of Life, loſt by Default, a Writ ſhall be made in this Form:

Form of the Writ.

COMMAND A, *That juſtly and without Delay, he render to* B, *one Meſſuage, with the Appurtenances, in* C, *which he claims to hold for Term of his Life, and of which the aforeſaid* A, *doth deforce him.*

Remedy in Caſe of Nuiſance.

V. *And be it further Enacted by the Authority aforeſaid*, That in Caſes of Nuiſance, the Plaintiff ſhall not go without Remedy, becauſe the Land is transferred to another. *And further*, That where the Writ is granted againſt him or her who hath levied or ſhall levy the Nuiſance, the Writ ſhall be made as hath been heretofore uſed, in the following Form:

Form of the Writ.

A, B, *hath complained to us, That* C, D, *unjuſtly, and without Judgment, hath erected* (or *made*, or *levied*) *a Houſe* (or *a Wall, Sink, Pond*, or whatever other Thing it may be) *to the Nuiſance of his Freehold.*

AND if ſuch Things ſo levied, erected or made, be aliened from one to another, the Writ ſhall be thus:

A, B, *hath complained to us, That* C, D, *and* E, F, *have erected.*

To be tried in the Supreme Court, or Circuit Court.

AND *further*, That all Writs of Nuiſances ſhall, from henceforth, be made returnable, and be determined in the Nature of Aſſiſes, either in the Supreme Court, or at the Circuit Court in the County where ſuch Nuiſances ſhall happen.

Suitors to have Writs according to their Caſes.

VI. *And be it further Enacted by the Authority aforeſaid*, That whenſoever in one Caſe a Writ is found and uſed in the Chancery, and in a like Caſe falling under like Law, and requiring like Remedy, there is none found, a proper Writ ſhall be deviſed and made in ſuch Caſe. And that Suitors may not go without Remedy, they ſhall have Writs according to their Caſes.

In what Caſes Writs of *Novel Diſſeiſin* ſhall lie.

VII. *And be it further Enacted by the Authority aforeſaid*, That a Writ of *Novel Diſſeiſin* ſhall lie and be maintainable for Eſtovers of Wood, and for any Profit to be taken in Woods; for a Corody; for Delivery of Corn and other Victuals and Neceſſaries, to be received yearly, in a Place certain; for Toll, Paſſage, and ſuch like, to be taken in Places certain; and for Offices in Fee, or for Life, as well as for Lands and Tenements; and for Common of Paſture, Fiſhing

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Fiſhing and ſuch like Commons, which any Perſon hath or ſhall have appendant to Freehold, or without Freehold, by ſpecial Deed, at the leaſt for Term of Life; and in all the Caſes aforeſaid, according to the accuſtomed Manner, the Writ ſhall expreſs the Thing in Demand to be a *free Tenement*. And although it has been doubted whether a Remedy could be had by this Writ, where one feedeth the ſeveral Paſture of another, it is hereby declared, that a good and ſure Remedy is given in that Caſe, by the ſaid Writ. *And further*, When any Perſon holding for Term of Years, or in Ward, doth alien the ſame in Fee, and by ſuch Alienation the Freehold is transferred to the Feoffee, then Remedy ſhall or may be by Writ of *Novel Diſſeiſin*, and as well the Feoffors as the Feoffee ſhall be had for Diſſeiſors, ſo that during the Life of any of them, the ſaid Writ ſhall hold Place; and if by the Death of the Parties the Remedy fail by that Writ, the Remedy may be had by *Writ of Entry*.

Remedy in Caſe of Alienation.

If by Death of Parties this Remedy fail, a *Writ of Entry* may be had.

VIII. *And be it further Enacted by the Authority aforeſaid*, That if any Perſon or Perſons named Diſſeiſors in any Writ of Aſſiſe of *Novel Diſſeiſin*, alledge any falſe Exception, whereby the taking of the Aſſiſe may be deferred, as that at another Time an Aſſiſe of the ſame Land paſſed between the ſaid Parties, or that a Writ of a higher Nature is depending between the ſame Parties of the ſame Land, and upon theſe, and like Matters, do vouch Rolls or Records to Warranty; then, and in every ſuch Caſe, if he or ſhe who ſhall alledge ſuch Exception, fail of the Warranty that he or ſhe hath vouched, at the Day to him or her given, he or ſhe ſhall be adjudged for a Diſſeiſor, without taking the Aſſiſe, and ſhall reſtore the Damages before enquired of, or after to be enquired of, to the double. And if ſuch Exception be alledged by a Bailiff, the taking of the Aſſiſe ſhall not be delayed therefore, nor the Judgment upon the Reſtitution of the Lands and Damages. But if the Maſter of ſuch Bailiff that was abſent, come afterwards before the ſame Juſtices or Juſtice who took the Aſſiſe, and offer to prove by Record or Rolls, that at another Time an Aſſiſe paſſed between the ſame Parties, of the ſame Lands, or that the Plaintiff at another Time did withdraw his or her Suit in a like Writ, or that a Plea is depending by a Writ of a higher Nature, a Writ of *Venire Facias* ſhall be granted unto him, to cauſe the ſame Record to be brought; and when he hath the ſame, and the Juſtices do perceive that the Record ſo ſhewed by him, would have been ſo available before the Judgment, that the Plaintiff, by Force of the ſame, ſhould have been barred of his or her Action, the Juſtices ſhall immediately cauſe the Party who firſt recovered, to be warned to appear at a certain Day, at which the Defendant ſhall have again his or her Seiſin and Damages, if he or ſhe before paid any by the firſt Judgment given, which ſhall be reſtored to him or her to the double as aforeſaid; and in the ſame Manner, if the Defendant againſt whom any Aſſiſe ſhall paſs in his or her Abſence, ſhew any Deeds or Releaſes upon which the Jury were not examined, nor could be examined, becauſe no Mention was made of them in pleading, and by Probability might be ignorant of them, the Juſtices, upon the Sight of theſe Writings, ſhall cauſe the Party who firſt recovered, to be warned to appear at a certain Day, and ſhall cauſe the Jurors of the ſame Aſſiſe to come. And if ſuch Defendant ſhall verify thoſe Writings to be true, by the Verdict of a Jury, or by Enrollment, he or ſhe who purchaſed the Aſſiſe contrary to his or her own Deed, ſhall reſtore to him or her the Damages before recovered as aforeſaid.

Defendant in Aſſiſe pleading a falſe Plea, ſhall be adjudged a Diſſeiſor, and pay double Damages.

Plea by Bailiff.

Remedy for Maſter of ſuch Bailiff.

Remedy for Defendant, if Aſſiſe paſſes againſt him in his Abſence.

IX. And *whereas* many Perſons do diſſeiſe others of their Tenements, and after ſuch Diſſeiſin done, make divers Alienations and Feoffments thereof, whereby the ſaid Diſſeiſees, and other Demandants and their Heirs, are delayed of their Recovery; Therefore, *Be it further Enacted by the Authority aforeſaid*, That the ſaid Diſſeiſees ſhall, from henceforth, have their Recovery

Suits maintainable againſt Diſſeiſors taking the Profits after Alienation.

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Recovery againſt the firſt Diſſeiſors, during their Lives, if they take the Profits at the Time of the Suit commenced, as well of the Lands and Tenements, as of their double Damages, without having any Regard to ſuch Alienations, Gifts or Feoffments. *And further*, That this ſhall hold Place in every other Action, in Plea of Land, where ſuch Feoffments be made by Fraud or Colluſion, for the Demandants to have their Recovery againſt ſuch firſt Feoffors, if they thereof take the Profits.

No Sheriff to diſſeiſe any Perſon without Writ.

X. *And be it further Enacted by the Authority aforeſaid*, That no Sheriff or other Officer, by Colour of his Office, without ſpecial Warrant or Commandment, or Authority certain pertaining to his Office, diſſeiſe any Perſon of his or her Freehold, nor of any Thing belonging to his or her Freehold. And if any do, it ſhall be lawful for the Perſon diſſeiſed to ſue at the Common Law, by Writ of *Novel Diſſeiſin*; and he who ſhall be convicted thereof, ſhall pay double Damages to the Plaintiff, and be further puniſhed by Fine or Impriſonment, at the Diſcretion of the Juſtices.

Diſſeiſee in ſuch Caſe to recover double Damages, and Defendant to be fined and impriſoned.

Any Perſon diſſeiſed by Virtue of Grants of the State, without Title, to have a ſpecial Aſſiſe, and recover treble Damages.

XI. *And be it further Enacted by the Authority aforeſaid*, That in Caſe any Lands or Tenements have been, or ſhall be granted by Letters Patent, without Title found by Inqueſt or otherwiſe, where the Entry of the People of this State is not given by Law, they who ſhall be put out or diſſeiſed of their Freehold, ſhall or may have a ſpecial Aſſiſe granted by the Chancellor, without any Suit to the People of this State in that Behalf to be made; and if the Parties or Perſons who have ſuch Letters Patent, do pray in Aid, a Writ of *Procedendo* ſhall be granted by the Chancellor; and in Caſe they who be ſo put out or diſſeiſed, recover againſt the Perſons having ſuch Patents, they who be ſo put out or diſſeiſed ſhall recover their treble Damages.

On Proof of forcible Entry, ſpecial Aſſiſe to be granted, and the Diſſeiſee to recover double Damages;

And Damages for his Goods carried away.

XII. And *whereas* divers Perſons do make forcible Entries into the Lands and Tenements of others, and put the Poſſeſſors out of the ſame, claiming ſometimes in their own Right, where their Entry is not lawful, and ſometimes in the Right of others, where they have nothing in Reverſion, in Right nor in *Demeſne*, and there is not an Affinity or Couſinage between them, and thoſe in whoſe Right they have entered, and ſometimes take away the Goods and Chattels of the Poſſeſſor; Therefore, *Be it further Enacted by the Authority aforeſaid*, That if any Perſon, of what Eſtate or Condition ſoever he or ſhe may be, hath made, or ſhall make any ſuch forcible Entry, in his or her own Right, or to his or her own Uſe, or in the Right, or to the Uſe of any other, by Way of Maintenance, or take or carry away any Goods, after ſuch forcible Entry, from the Poſſeſſor of the Freehold, then, and in every ſuch Caſe, if the Party grieved, or other lawful Man for him or her, will make Affidavit that the Entry was made in ſuch forcible Manner, the Chancellor ſhall have Power, by his Diſcretion, to grant a ſpecial Aſſiſe in this Caſe, to the Party aggrieved, of whatſoever Value the Tenements may be; and if ſuch Diſſeiſor be convicted of ſuch Diſſeiſin, made in ſuch forcible Manner, he or ſhe ſhall yield to the Party grieved, his or her double Damages, and be further puniſhed by Fine or Impriſonment, according to the Diſcretion of the Juſtices. And if ſuch Diſſeiſor be convicted by the ſame Aſſiſe, that he or ſhe hath taken or carried away the Goods or Chattels of ſuch Diſſeiſees, the Juſtices of Aſſiſe ſhall have Power to hear and determine, as well for the People of this State, as for the Party, of the Goods and Chattels ſo carried away, and to award to the Party grieved, his or her Damages. *And further*, That in every ſuch ſpecial Aſſiſe, one at leaſt of the Juſtices of the Supreme Court, be named as one of the Juſtices to take ſuch Aſſiſe, and that no Writ of *Superſedeas* be granted to the Contrary of ſuch ſpecial Aſſiſes.

One of the Juſtices of the Supreme Court to be one of the Juſtices of Aſſiſe.

Where Sheriff is named a Diſſeiſor by Colluſion, the Writ to be abated,

XIII. *And be it further Enacted by the Authority aforeſaid*, That if in any Writ of Aſſiſe, the Sheriff of the ſame County is or ſhall be named one of the

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the Diſſeiſors, and the Tenants in the ſame Aſſiſe, or any of them, will aver that the ſaid Sheriff is not, nor ever was Diſſeiſor nor Tenant of the Tenements in Demand, but was named a Diſſeiſor by Colluſion, the Averment ſhall be received; and if it be found by the ſaid Aſſiſe, that the ſaid Sheriff is not, nor ever was Diſſeiſor nor Tenant of the Tenements in Demand, but was named Diſſeiſor by Colluſion, then the Juſtices ſhall cauſe the ſaid Writ ſo purchaſed, or to be purchaſed, in Form aforeſaid, to be abated and quaſhed; and the Plaintiff or Plaintiffs ſhall pay double Coſts thereupon to be taxed.

And Defendant to recover double Coſts.

Aſſiſe of *Novel Diſſeiſin* to be granted for Rent of Tenements in different Counties.

XIV. *And be it further Enacted by the Authority aforeſaid*, That an Aſſiſe of *Novel Diſſeiſin* may, from henceforth, be granted of Rent in Arrear, due of Tenements in divers Counties, to be holden in the Confine of the Counties within which the Tenements be; and thereupon the Aſſiſe ſhall be taken and tried by Jurors of the ſaid Counties, in the ſame Manner as ought to be done of a Common of Paſture in one County, and appendant to Tenements in another County; and that as well of Diſſeiſins done in Times paſt, as of Diſſeiſins yet to be done; and that Writs thereupon, at the Suit of the Plaintiff, be made from henceforth in the Chancery, in due Form, without any Manner of Contradiction; but in all ſuch Aſſiſes, one at the leaſt of the Juſtices of the Supreme Court, ſhall be named as one of the Juſtices to take ſuch Aſſiſes.

Remedy for Tenants in Dower, and by the Courteſy, to recover their Lands loſt by Default.

XV. AND *whereas* in Caſes where Dower is or ſhall be demanded, of Lands or Tenements recovered againſt the Huſband by Default or Covin, and when the Wife being endowed, loſeth her Dower by Default, and when Tenants by the Courteſy, or for Term of Life, muſt demand their Land loſt by Default, divers Actions do concur, and when it is come to that Point that the Tenants muſt be compelled to ſhew their Right, they cannot make Anſwer without them to whom the Reverſion or Remainder of Right belongeth; Therefore, *Be it further Enacted by the Authority aforeſaid*, That it ſhall be lawful for them to vouch to Warranty, as if they were Tenants, if they have a Warranty: And when the Warrantor hath warranted, Plea ſhall paſs between him or her that is ſeiſed, and the Warrantor, according to the Tenor of the Writ that the Tenant purchaſed before, and by which he or ſhe recovered by Default. And ſo from many Actions, they ſhall at length reſort to one Judgment, which is this; that the Demandant ſhall recover his or her Demand, or that the Tenant ſhall go quit; and if the Action of ſuch a Tenant who is compelled to ſhew his Right, be by Writ of Right, although the great Aſſiſe cannot be joined by the Words accuſtomed, yet it ſhall be joined by Words convenient; for when the Tenant in that he or ſhe ſheweth his or her Right, which belongeth to him or her by the Writ which he or ſhe before purchaſed inſtead of a Demandant, the Warrantor may well defend the Right of the Tenant who is accounted in Place of the Demandant as aforeſaid, and put himſelf or herſelf upon the great Aſſiſe, and pray Recognition to be made, whether he or ſhe hath more Right to the Land in Demand, than the Party aforeſaid; or otherwiſe the great Aſſiſe may be joined thus: Such an one defends the Right, and ſo the Warrantor may defend the Right, and acknowledge the Seiſin of his or her Anceſtor, and put himſelf or herſelf upon the great Aſſiſe, and pray Recognition to be made whether he or ſhe hath more Right in the Land, as in that whereof he or ſhe enfeoffed ſuch a one, or that ſuch a one releaſed and quit claimed, than the aforeſaid Party.

Vouchee not preſent to be ſummoned.

XVI. *And be it further Enacted by the Authority aforeſaid*, That when any Perſon not preſent in Court, ſhall be vouched to Warranty in a Plea of Land or Tenement, the Party ſo vouched ſhall have reaſonable Summons, according to the Diſcretion of the Juſtices; and if the Demandant will aver that the Perſon vouched is dead, or that there is no ſuch Perſon, ſuch Averment ſhall be received and tried without Delay.

XVII. *And*

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Proceedings in Cases of Voucher, & where it is counterpleaded.

XVII. *And be it further Enacted by the Authority aforesaid*, That in Writs concerning Possession, whereby Lands or Tenements are demanded, which ought to descend, remain, revert or fall, by the Death of any Ancestor, or otherwise, if the Tenant vouch to Warranty, and the Demandant counterpleadeth him or her, and will aver by Assise, or by the Country, or otherwise, as the Court will award, that the Tenant, or his or her Ancestor or Predecessor, whose Heir he or she is, was the first that entered after the Death of him or her of whose Seisin he or she demandeth, the Averment of the Demandant shall be received, if the Tenant will abide thereupon; and if not, he or she shall be further compelled to another Answer, if he or she have not his or her Warrantor present, who will warrant him or her freely, and immediately enter into the Warranty; and the Demandant shall have the like Exceptions against the Warrantor, if he or she will vouch further, as he or she had before against the first Tenant; and in all Manner of Writs of Entry, which make Mention of Degrees, none shall vouch out of the Line. *And further*, That as well in the Writs aforesaid, as in Writs of Right, if the Tenant vouch to Warranty, and the Demandant will counterplead him or her, and be ready to aver by the Country, that he or she, who is so vouched to Warranty, nor his or her Ancestors or Predecessors, had never Seisin of the Land or Tenement demanded, nor Fee nor Service by the Hand of his or her Tenant, or his or her Ancestors or Predecessors, since the Time of him or her on whose Seisin the Demandant declareth, until the Time that the Writ was purchased, and the Plea moved, whereby he, she or they might have enfeoffed the Tenant, or his or her Ancestor or Predecessors, then, whether the Party vouched be present or absent, the Averment of the Demandant shall be received, if the Tenant will abide thereupon; if not, the Tenant shall be further compelled to another Answer, and the Demandant shall have his or her Exceptions against the Warrantor, as he or she had before against the first Tenant. *And further*, If the Tenant hath a Deed that compriseth Warranty of another Man who is bound in none of the Cases before mentioned, to the Warranty of an older Degree, his or her Recovery by a Writ of Warranty of Charters out of the Chancery, shall be saved to him or her, at what Time soever he or she will purchase it, but the Plea shall not be delayed therefore.

If Vouchee denieth his Warranty, and it be found against him, he shall lose the Land.

XVIII. *And be it further Enacted by the Authority aforesaid*, That when any Person shall demand Lands or Tenements against another, and the Party impleaded voucheth to Warranty, and the Warrantor denieth his or her Warranty, and it be found that the Vouchee is bound to Warranty by the Law and Custom of this State, then, in like Manner as the Tenant should lose the Land or Tenement in Demand, in Case where he vouched, and the Vouchee could discharge himself of the Warranty, in the same Manner shall the Warrantor lose, in Case where he or she denieth his or her Warranty; and it be tried against him or her, that he or she is bound to Warranty.

When Issue is joined between Tenant and Warrantor, Demandant may have a Venire.

And further, That in all Cases where an Inquest shall be depending between the Tenant and the Warrantor, and the Demandant will require a Writ to cause the Jury to come, it shall be granted.

Manner of proceeding in Cases of Re-Disseisin.

XIX. *And be it further Enacted by the Authority aforesaid*, That if any Person be disseised of his or her Freehold, and shall recover Seisin by Assise of *Novel Disseisin*, or by Confession of them that did the Disseisin, and after the Plaintiff hath had Seisin delivered by the Sheriff, if the said Disseisors do again disseise the same Plaintiff of the same Freehold, and thereof be convicted, the Plaintiff shall recover double Damages, and the Re-Disseisors shall be also punished by Fine and Imprisonment, and shall be forthwith taken and committed, and kept in Gaol until they shall have paid such Damages and Fine, and be thence delivered by due Course of Law. And the Manner of proceeding

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ceeding in ſuch Caſe, ſhall be as follows: When the Plaintiff ſhall come to the Chancery, he or ſhe ſhall have a Writ directed to the Sheriff, in which muſt be contained the Plaint of Diſſeiſin upon the Diſſeiſin, and therefore it ſhall be commanded to the Sheriff, that, taking with him the Coroner of the County, or one of them, if there be more than one in the ſame County, and two or more Juſtices of the Peace in the ſame County, he go in his proper Perſon, to the Tenement or Paſture whereof the Plaint had been made, and before them, by the firſt Jurors, and other Neighbours and lawful Men, if the firſt Recovery was by Verdict, if not, then by Neighbours and lawful Men, he diligently thereof make Inquiſition; and if they find the Plaintiff diſſeiſed again as aforeſaid, then the Sheriff ſhall do according to the Proviſion aforeſaid; but if it be found otherwiſe, then the Plaintiff ſhall be amerced, and the others ſhall go quit. But no Sheriff ſhall proceed in any ſuch Plaint, without a ſpecial Writ. And in the ſame Manner it ſhall be done to them who ſhall recover their Seiſin of any Lands or Tenements, by Verdict, Default, Reddition or otherwiſe, in any real Action, in any Court of Record, if they be afterwards diſſeiſed by the firſt Deforceors, againſt whom they ſhall have recovered.

Remedy where Rents or Services are withheld for *two Years*, by Writ of *Ceſſavit*.

XX. *And be it further Enacted by the Authority aforeſaid*, That if any Perſon hath demiſed, or ſhall demiſe his or her Lands, to any other Perſon, and to his or her Heirs, rendering a certain annual Rent for the ſame, and he or ſhe who holdeth the Land ſo charged, letteth it lie freſh, ſo that the Party can find no Diſtreſs there by the Space of *two* Years, to compel the Farmer to render, or to do as is contained in the Writing or Leaſe; then the two Years being paſſed, the Leſſor or Grantor, or his Heirs or Aſſigns, ſhall have an Action to demand the Land in *Demeſne*, by a Writ out of the Chancery in this Form:

Form of the Writ.

COMMAND A, *That juſtly and without Delay, he render to* B, *one Meſſuage, with the Appurtenances, in* C, *which the ſame* B *demiſed to the aforeſaid* A, *rendering therefore, yearly, to the ſame* B, (ſuch a certain Rent) *and which to him ought to revert, becauſe the aforeſaid* A, *in paying the aforeſaid Rent, hath ceaſed by two Years, as he ſaith.*

And if he or ſhe againſt whom the Land is demanded, come before Judgment, and pay the Arrearages, and the Damages and Coſts, and find Surety, ſuch as the Court ſhall think ſufficient, to pay the Rent from thenceforth, as is contained in the Writing or Leaſe, he or ſhe ſhall keep the Land; but if he or ſhe neglect until it be recovered by Judgment, he or ſhe ſhall be barred for ever; and, in like Manner, if any withhold from any Perſon, of whom he or ſhe holds, his or her Due and accuſtomed Service, by *two* Years, the Perſon to whom the ſame is or ſhall be due, ſhall have an Action to demand the Lands in *Demeſne*, by a Writ in this Form:

COMMAND A, *That juſtly and without Delay, he render to* B, (ſuch a Tenement) *which the aforeſaid* A *holds of him by ſuch certain Service, and which to the aforeſaid* B *ought to revert, becauſe the aforeſaid* A, *in doing the Service aforeſaid, hath ceaſed by two Years, as he ſaith.*

And *further*, That as well in the Caſe of Rent, as in the Caſes of Services, Writs of Entry ſhall be made as aforeſaid, for the Heirs of the Demandant, and againſt the Heirs of the Tenant, and againſt them to whom ſuch Land ſhall be aliened.

Where a View of the Land demanded ſhall be granted, and where not.

XXI. *And be it further Enacted by the Authority aforeſaid*, That from henceforth View ſhall not be granted to the Tenant, but in Caſe where a View of the Land is neceſſary; and that if one loſe Land by Default, and he or ſhe who loſeth ſhall purchaſe a Writ to demand the ſame Land, and in Caſe where

where one by an Exception dilatory abateth a Writ after the View of the Land, as by Non-Tenure, miſnaming of the Town, or ſuch like, and the Demandant purchaſeth another Writ; in theſe Caſes the View ſhall not be granted, if the Party had View in the firſt Writs: And in a Writ of Dower, where the Dower in Demand is of Land that the Huſband aliened to the Tenant, or his or her Anceſtors, where the Tenant ought not to be ignorant what Land the Huſband did alien to him or her, or to his or her Anceſtor, though the Huſband did not die ſeiſed, yet the View ſhall not be granted to the Tenant. And in a Writ of Entry, that is abated becauſe the Demandant miſnamed the Entry, if the Demandant purchaſeth another Writ of Entry, if the Tenant had View in the firſt Writ, he ſhall not have it in the ſecond. And in all Writs where Lands are or ſhall be demanded, by Reaſon of a Demiſe made by the Demandant, or his or her Anceſtor, to the Tenant, and not to his or her Anceſtor, as that which the Demandant, or his or her Anceſtor, being within Age, not of ſound Mind, or in Priſon, and ſuch like, demiſed to the Tenant, View ſhall not be granted; but if the Demiſe was to the Anceſtor of the Tenant, View ſhall be granted, as hath been done before.

In Writs of *Couſinage*, *Aile* and *Beſaile*,

XXII. *And be it further Enacted by the Authority aforeſaid*, That in all Writs of *Couſinage*, *Aile* and *Beſaile*, if the Tenant will plead that the Plaintiff is not the next Heir of the Anceſtor, by whoſe Death he or ſhe demandeth the Land, ſuch Plea ſhall be received, and the Matter enquired of, and the Court ſhall proceed to Judgment, according to the Verdict thereupon to be given.

Tenant may plead that Plaintiff is not the next Heir.

No Writ to abate by *Non-Tenure* of Parcel.

XXIII. *And be it further Enacted by the Authority aforeſaid*, That no Writ ſhall be abated by the Exception of *Non-Tenure* of Parcel, but for the Quantity of the Non-Tenure ſo alledged.

Age not to be allowed in Writs of Entry upon *Diſſeiſin in the Per*.

XXIV. *And be it further Enacted by the Authority aforeſaid*, That if any Perſon ſhall purchaſe a Writ of *Novel Diſſeiſin*, and he or ſhe againſt whom the Writ is brought as principal Diſſeiſor, dieth before the Aſſiſe be paſſed, then the Plaintiff ſhall have his or her Writ of Entry upon Diſſeiſin, againſt the Heir or Heirs of the Diſſeiſor or Diſſeiſors, of what Age ſoever ſuch Heir or Heirs may be; and likewiſe the Heir or Heirs of the Diſſeiſee, ſhall have his, her or their Writ or Writs of Entry, againſt the Diſſeiſors, or their Heirs, of what Age ſoever they be, if the Diſſeiſee die before he hath purchaſed his Writ, ſo that for the Non-age of the Heirs of the one Part or other, the Writ ſhall not be abated, nor the Plea delayed.

In *Mort d'Anceſtor*, Inqueſt not to be delayed by Non-age of the Plaintiff.

XXV. *And be it further Enacted by the Authority aforeſaid*, That if a Child within Age be holden from his or her Inheritance, after the Death of his or her Father, Mother, Brother, Siſter, Couſin, Grand-Father or Great-Grand-Father, whereby ſuch Infant is driven to his or her Writ, and his or her Adverſary cometh into the Court, and for Anſwer alledgeth a Feoffment, or pleadeth ſome other Thing by which the Court would formerly award the Age, and defer the Inqueſt until the full Age of the Infant, from henceforth, in every ſuch Caſe, the Inqueſt ſhall not be deferred until the full Age of the Infant, but ſhall paſs as if he or ſhe was of full Age.

Tenants in Aſſiſe, may appear in Perſon, or by Attorney or Bailiff.

XXVI. *And be it further Enacted by the Authority aforeſaid*, That all Tenants in Aſſiſe of *Novel Diſſeiſin*, may either appear and plead in Perſon, or make, and appear and plead by their Attornies, or plead by Bailiffs at their Pleaſure.

The Panels of Aſſiſes to be made *ſix* Days before the Court.

XXVII. *And be it further Enacted by the Authority aforeſaid*, That the Panels of the Aſſiſes ſhall, in all Caſes, be arrayed, and a Copy thereof delivered by

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by the Sheriff, or his Deputy, to the Plaintiffs, Tenants and Defendants, if they demand the ſame, at leaſt *ſix* Days before the Circuit Court, or Seſſion of the Juſtices at which the ſame ſhall be returnable, upon Pain that every Sheriff or other Officer neglecting his Duty herein, ſhall forfeit, for every Offence, to the Party grieved, the Sum of *Twenty Pounds;* to be recovered, with Coſts of Suit, in any Court of Record, by Action of Debt, Bill, Plaint or Information.

Plaintiff in Aſſiſe may abridge his Plaint of a Moiety or other Part.

XXVIII. *And be it further Enacted by the Authority aforeſaid*, That the Plaintiff in every Aſſiſe may, from henceforth, at his Pleaſure, ſever and abridge his or her Plaint of a Moiety, or any other Part or Parts whereunto any Bar is or ſhall be pleaded, in ſuch like Manner as he or ſhe might do in Caſe the Pleas in Bar had been made, and divided to any Certainty or Number of Acres in the Plaint; and that the Plaint for the Reſidue of the Part or Parts of the Lands, not abridged, ſhall be and ſtand good and effectual in the Law.

After Plea moved by Writ, Tenant to make no Waſte.

XXIX. *And be it further Enacted by the Authority aforeſaid*, That from the Time any Plea ſhall be moved by Writ, the Tenant ſhall not make any Waſte or *Eſtrepement* of Land in Demand, pending the Suit; and if he or ſhe do, the Court wherein the Plea depends, ſhall cauſe the Land in Demand to be kept at the Suit of the Demandant.

All Proceſs in Pleas of Land, to have 15 Days between the Teſt and Return.

After Iſſue joined in Dower, 15 Days between Teſt & Return of Proceſs ſufficient.

XXX. *And be it further Enacted by the Authority aforeſaid*, That all Writs of Summons, and Attachments, and other Proceſs in Pleas of Lands, ſhall, from henceforth, have full *fifteen* Days at the leaſt between the Days of the Teſt and the Days of the Return thereof. *And further*, That in all Writs of Dower, after Iſſue joined, it ſhall not be needful or requiſite to have above *fifteen* Days between the Teſt and Return of the *Venire Facias*, or any other Proceſs to be ſued out for the Trial of the ſaid Iſſue, but that the Writ of *Venire Facias*, and other Proceſs after Iſſue joined, and until Judgment be given, having only fifteen Days between the Teſt and the Return thereof, ſhall be good and effectual. *And alſo*, That all Writs of Summons to the Warranty, and all other Proceſs in any real Action, being teſted the laſt Day, or any other Day in any Term, and returnable the firſt Day, or any other Day in the next ſucceeding Term, ſhall be good and effectual.

All Proceſs teſted in one Term, and returnable in the next, good.

Summons in real Actions to be proclaimed at the Church Door.

XXXI. AND for avoiding ſecret Summons in real Actions, without convenient Notice to the Tenants of the Freehold; *Be it further Enacted by the Authority aforeſaid*, That after every Summons upon the Lands in any real Action, and fourteen Days at the leaſt before the Day of the Return thereof, the Sheriff to whom ſuch Summons ſhall be directed, ſhall make, or cauſe Proclamation of the ſame Summons to be made, at or near the moſt uſual Door of the Church of the Town or Place where the Land whereupon the Summons was made, doth lie, upon a *Sunday*, immediately after Divine Service and Sermon, if any there be; and if there be more than one Church in ſuch Town, then ſuch Proclamation ſhall be made, in Form aforeſaid, at or near to the moſt uſual Door of the Church neareſt to the ſaid Lands; and if there be no Church in ſuch Town, then ſuch Proclamation ſhall be made, in Form aforeſaid, at or near to the moſt uſual Door of the Church in the ſame County neareſt to the ſaid Land; and ſuch Proclamation ſo made as aforeſaid, ſhall be returned, together with the Names of the Summoners; and if ſuch Summons ſhall not be proclaimed and returned as aforeſaid, then no *Grand Cape* to be awarded, but an *Alias* or *Pluries* Summons, as the Cauſe ſhall require, until a Summons and Proclamation ſhall be duly made and returned as aforeſaid.

XXXII. *And*

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On Return of Attachment, Distress to be awarded.

XXXII. And for avoiding Delays in all Manner of Writs and Attachments; *Be it further Enacted by the Authority aforesaid*, That if the Tenant or Defendant after the first Attachment returned, make Default, the great Distress shall be immediately awarded, and the Tenant or Defendant shall be distrained from Time to Time, until he or she do appear, or comply with the Purpose of such Writ. And if the Sheriff do not make a sufficient Return to any such Writ, at the Day of the Return thereof, he shall be amerced.

Issues distrained, may be sold.

XXXIII. And *whereas* the Process by *Distringas* as heretofore used, is dilatory and expensive; For Remedy whereof, *Be it further Enacted by the Authority aforesaid*, That the Court out of which the Writ proceeds, may order the Issues levied from Time to Time to be sold, and the Monies arising thereby to be applied to pay such Costs to the Plaintiff as the Court shall think just, under all the Circumstances to order, and the Surplus to be retained until the Defendant or Tenant shall have appeared, or other Purpose of the Writ be answered; and when the Purpose of the Writ is answered, that then the said Issues shall be returned, or if sold, what shall remain of the Money arising by such Sale, shall be repaid to the Party distrained upon.

In what Cases *Scire Facias* to issue.

XXXIV. And because such Things as be recorded before the Chancellor, and the Judges and Justices who have Record, and be inrolled in their Rolls, Process of Plea ought not to be made by Summons, Attachment, View of Land and other Solemnities of the Court, as hath been used to be done of Bargains and Covenants made out of Court; Therefore, *Be it further Enacted by the Authority aforesaid*, That from henceforth those Things which are found inrolled before those who have Record, or contained in Fines, whether they be Recoveries or Judgments had, or Contracts, Covenants, Obligations, Services or Customs acknowledged, or other Thing whatsoever inrolled, wherein the Court, without Offence of the Law and Custom, may execute their Authority, shall have such Force that the Party, at any Time within the Year after the same are or shall be had, levied or acknowledged, shall have a Writ of Execution of the same; and when the Fine, Judgment, Recovery or Recognizance be levied, had or made, of a further Time passed, the Sheriff shall be commanded that he make known to the Party of whom it is complained, that he or she be before the Justices or Court at a certain Day, to shew if he or she have any Thing to say why such Matters inrolled or contained in the Fine, ought not to have Execution; and if he or she do not come at the Day, or do come and can say nothing why Execution ought not to be done, the Sheriff shall be commanded to cause the Thing inrolled or contained in the Fine, to be executed.

Plaintiff shall not be non-suited after Verdict.

XXXV. *And be it further Enacted by the Authority aforesaid*, That where a Verdict hath been or shall be found in Assise, or in any other Action whatsoever, and the Parties have been or shall be adjourned upon Difficulty in Law upon the Matter so found, the Plaintiff shall not be non-suited, if the Verdict pass against him or her.

CHAP. LI.

An ACT *for the Relief of Persons holding or possessing State Agent's Certificates.* *Obsolete.*

Passed 13th March, 1787.

CHAP. LII.

An ACT *for the Relief of* Garret Rapalie. *Private.*

Passed 13th March, 1787.

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CHAP. LIII.

† *8th Seſſ. Ch. 27.*

An ACT *to amend an Act, entitled,* † *An* Act *for making Proceſs in Courts of Equity effectual againſt Mortgagers who abſcond, and cannot be ſerved therewith, or who refuſe to appear.*

Paſſed 13th March, 1787.

Preamble.

WHEREAS in and by the Act, entitled, *An* Act *for making Proceſs in Courts of Equity effectual againſt Mortgagers who abſcond, and connot be ſerved therewith, or who refuſe to appear,* paſſed the 7th *March,* 1785, it is directed, That before any Decree ſhall be made on any Bill therein mentioned, the Court ſhall cauſe the mortgaged Premiſes to be appraiſed, on Oath, by two indifferent Perſons to be appointed by the Court, that the Value of the ſame may be known by the Court, as nearly as may be, before the Decree be made: *And whereas* it is found by Experience, that in moſt Caſes the cauſing the mortgaged Premiſes to be appraiſed in Manner aforeſaid, before any Decree ſhall be made, is attended with Delay and conſiderable Expence, and no valuable Purpoſe anſwered thereby; Therefore,

Chancellor may order Sale of mortgaged Premiſes without Appraiſement.

Be it Enacted by the People of the State of New-York, *repreſented in Senate and Aſſembly, and it is hereby Enacted by the Authority of the ſame,* That it ſhall and may be lawful for the Chancellor, to decree and order a Sale of any ſuch mortgaged Premiſes, in Purſuance of the ſaid Act, without any ſuch Appraiſement as aforeſaid, except in ſuch Caſes where he ſhall judge the ſame to be neceſſary; any Thing in the aforeſaid Act to the Contrary notwithſtanding.

CHAP. LIV.

‡ *9th Seſſ. Ch. 24.*

An ACT *to amend an Act, entitled,* ‡ *An* Act *for Relief againſt abſconding and abſent Debtors.*

Paſſed 13th March, 1787.

Preamble.

WHEREAS Doubts may ariſe upon the ſaid Act, whether Deeds executed by the Truſtees, and Proceedings carried on againſt fraudulent, abſconding or concealed Debtors, after their Deceaſe, are valid in the Law:

Proceedings againſt abſconding and abſent Debtors, not to be diſcontinued by Debtor's Death.

Be it Enacted by the People of the State of New-York, *repreſented in Senate and Aſſembly, and it is hereby Enacted by the Authority of the ſame,* That in all Caſes, as well where any ſuch Debtor or Debtors ſhall have died, as where any ſuch Debtor or Debtors ſhall die, after the Time fixed for ſuch Debtor or Debtors Appearance, by the Order or Notification of the Judge before whom the Proceedings were had, ſhall have expired, the Proceedings ſhall not be diſcontinued by the Death of ſuch Debtor or Debtors, but may be carried on to a final Concluſion, as if the ſaid Debtor or Debtors had remained in full Life; and all ſuch Proceedings, and all Deeds executed or to be executed in Purſuance thereof, are hereby declared as legal as if executed whilſt the ſaid Debtor or Debtors were living.

CHAP. LV.

Obſolete. See 8th Seſſ. Ch. 67.

An ACT *for raiſing a further Sum of Money to complete the Court-Houſe and Gaol in* Dutcheſs *County.*

Paſſed 14th March, 1787.

CHAP.

CHAP. LVI.

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An ACT *for making Lands and Tenements, liable to be sold by Executions for Debt, and for the more easy Discovery of Judgments, and the better Security and Relief of Purchasers and Creditors.*

Passed 19th March, 1787.

Real Estates liable to be sold upon Execution.

I. BE *it Enacted by the People of the State of* New-York, *represented in Senate and Assembly, and it is hereby Enacted by the Authority of the same*, That all and singular the Lands, Tenements and real Estate of every Debtor, shall be, and hereby are made liable to be sold upon Executions, to be issued by Virtue of any Judgment heretofore had, or hereafter to be had, in any Court of Record, against such Debtor, for the Payment and Satisfaction of the Debt or Damages so recovered, or to be recovered.

Time of signing Judgment to be set down on the Margin of the Record.

Time of filing the Judgment to be marked upon it.

Judgments to affect Lands from the Time of filing Records.

II. *And be it further Enacted by the Authority aforesaid*, That every Judge or Officer of any Court of Record, who shall sign any Judgment, shall, at the Time of signing the same, without any Fee for doing the same, set down the Day and Year of his signing the same Judgment, upon the Margin of the Roll or Record where the same Judgment shall be entered; and that the Clerks of the said respective Courts shall mark upon the Back of every Roll or Judgment filed in their respective Offices, the Time of filing the same. *And further*, That no Judgment shall affect any Lands or Tenements as to Purchasers or Mortgagees, or have any Preference against Heirs, Executors or Administrators, in their Administration of their Ancestors, Testators or Intestates Estates, but from the Time of the actual filing of the Roll or Record of the same Judgment in their respective Offices, after the same shall have been signed as aforesaid.

Clerks to docket all Judgments.

III. *And be it further Enacted by the Authority aforesaid*, That the several and respective Clerks of the several and respective Courts of Record in this State, shall, before the last Day of the Term or Court next after the first Day of *July*, in the present Year of our Lord One Thousand Seven Hundred and Eighty-seven, and so in every Term, or at every Court, or within *six* Days thereafter, make or cause to be made and put into an alphabetical Docket, by the Name or Names of the Party or Parties, against whom any Judgment shall be entered, a Particular of all Judgments by Confession non sum Informatus, or nihil Dicit, and upon Verdicts, Writs of Enquiry, Demurrer and every other Judgment, for Debt or Damages, entered in the said respective Courts of the Term, or at the Court preceding; which shall contain the Name and Names of the Plaintiff and Plaintiffs, and the Name and Names of the Defendant and Defendants, his, her or their Place or Places of Abode, and Title, Trade or Profession, if any such be in the Record of such Judgment, and the Debt, Damages and Costs recovered thereby; and the said respective Dockets shall be fairly put into and kept in Books, in the respective Offices of the said respective Clerks, to be searched and viewed by all Persons, at reasonable Times, upon Pain that every Clerk of the said respective Courts, shall respectively, for every Term or Court in which he shall omit or neglect to do his Duty in the Premises, forfeit the Sum of *One Hundred Pounds*, the one Moiety to the Party aggrieved, and the other Moiety to him or them who shall sue for the same; to be recovered, with Costs of Suit, in any Court of Record, by Action of Debt, Bill, Plaint or Information. *And further*, That no Judgment, not docketed and entered in the Books as aforesaid, shall affect any Lands or Tenements, as to Purchasers or Mortgagees, or have any Preference against Heirs, Executors or Administrators, in their Administration of their Ancestors, Testators or Intestates Estates.

Judgments not docketed, not to affect Purchasers.

Date of the Enrollment of Recognizances, to be set in the Margin.

IV. *And be it further Enacted by the Authority aforesaid*, That the Day of the Month, and Year of the Enrollment of Recognizances, shall hereafter be

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be ſet down in the Margin of the Roll where the ſame Recognizances are enrolled; and that no Recognizance ſhall bind any Lands, Tenements or Hereditaments, in the Hands of any Purchaſer or Mortgagee, *bona Fide*, and for valuable Conſideration, but from the Time of ſuch Enrollment.

Goods not bound by Writ of Execution but from the Delivery thereof to the Sheriff.

V. *And be it further Enacted by the Authority aforeſaid*, That no Writ of Execution ſhall, from henceforth, bind the Property of the Goods of any Perſon againſt whom ſuch Writ of Execution ſhall be ſued forth, but from the Time that ſuch Writ ſhall be delivered to the Sheriff, Under Sheriff, Coroner or other Officer, to be executed: And for the better Manifeſtation of the ſaid Time, the Sheriff, Under Sheriff, Coroners and other Officers, their Deputies and Agents, ſhall, upon the Receipt of any ſuch Writ, without Fee for doing the ſame, indorſe upon the Back thereof, the Day of the Month and Year, when he or they received the ſame.

Sheriffs to indorſe Time of ſuch Delivery.

Plaintiff may have Execution againſt the Body or Eſtate of the Debtor.

VI. *And be it further Enacted by the Authority aforeſaid*, That where any Debt hath been, or ſhall be recovered or acknowledged, or Damages adjudged or awarded, in any Court of Record, it ſhall from hencefor th be lawful for him, her or them, who ſhall ſue for ſuch Debt or Damages, to have an Execution againſt the Body of ſuch Debtor, or a Writ commanding the Sheriff or other proper Officer, to cauſe ſuch Debt and Damages to be made of the Goods and Chattels of ſuch Debtor, or Perſon chargeable with ſuch Debt, in the uſual Form, or of the Goods and Chattels, Lands and Tenements of the Debtor, or Perſon chargeable with ſuch Debt, in the Form herein after mentioned; but no Execution ſhall be iſſued againſt the Body, or the proper Goods and Chattels, Lands and Tenements of any Heir, Deviſee, Executor or Adminiſtrator, unleſs he, ſhe or they, ſhall have made their Eſtate liable to the ſame Debt, by falſe pleading or otherwiſe. *And further*, That every Perſon who hath been, or ſhall hereafter be taken or arreſted, by Virtue of any ſuch Writ of Execution, againſt his or her Body, for any ſuch Debt or Damages, by any Sheriff, or other Officer to whom any ſuch Writ hath been or ſhall be directed; and every Perſon who hath been or ſhall be committed to the Cuſtody of any Sheriff or other Officer, in Execution for any ſuch Debt or Damages, ſhall be ſafely kept in Priſon, in cloſe and ſecure Cuſtody, without Bail or Mainprize, living at his or her own Coſts, until he or ſhe ſhall ſatisfy and pay ſuch Debt and Damages; and if any ſuch Sheriff or other Officer, ſhall permit any ſuch Perſon ſo taken, arreſted or committed, or hereafter to be taken, arreſted or committed, to go out of Priſon, or be at large, by Bail, Mainprize or otherwiſe, without the Aſſent and Agreement of the Plaintiff, ſuch Sheriff or other Officer, ſhall thereby become anſwerable to the Plaintiff for the Debt and Damages for which ſuch Perſon was taken, arreſted or committed; and the Plaintiff may recover the ſame with Coſts, by Action of Debt, Bill or Plaint, againſt ſuch Sheriff or other Officer.

Perſons taken by Execution, to be detained in Cuſtody;

And if permitted to eſcape, Officer liable for the Debt.

Form of Execution againſt the Debtor's Eſtate.

VII. *And be it further Enacted by the Authority aforeſaid*, That in every Writ of Execution, hereafter to be iſſued againſt Lands and Tenements, the Sheriff, or other Officer to whom ſuch Writ ſhall be directed, ſhall be commanded, that of the Goods and Chattels of the Perſon or Perſons againſt whom ſuch Execution iſſues, in his County or Bailiwick, he cauſe to be made, the Debt, Damages and Coſts, or Sum of Money in ſuch Execution ſpecified; and if ſufficient Goods and Chattels of ſuch Perſon or Perſons cannot be found in his Bailiwick or County, that then he cauſe the ſaid Debt, Damages and Coſts, or Sum of Money, to be made of the Lands and Tenements whereof ſuch Perſon or Perſons were or was ſeiſed, on the Day when the ſame Lands became liable to ſuch Debt, Damages or Sum of Money, ſpecifying the Day particularly, or at any Time afterwards, in whoſe Hands ſoever the ſame may

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Form thereof againſt Tertenants, Heirs or Deviſees.

may then be. But when any ſuch Execution ſhall be iſſued, againſt any Perſon or Perſons, as Tertenants, or as Heirs or Deviſees of any Perſon deceaſed, unleſs they ſhall have made their Eſtate liable by falſe pleading or otherwiſe, ſuch Writ ſhall only command the Sheriff, or other Officer to whom the ſame ſhall be directed, that of the Lands and Tenements, whereof the Anceſtor, Teſtator or Perſon deceaſed, was ſeiſed on the Day the ſame Lands became liable as aforeſaid, or at any Time afterwards, or at the Time of his or her Death, as the Caſe may require, he cauſe to be made, the Debt, Damages and Coſts, or Sum of Money in the ſame Writ ſpecified. *And further*, That where Lands or Tenements, in the Hands of ſeveral Perſons, are or ſhall be liable to ſatisfy any Judgment, or Debt of Record, and the Whole, or more than a due Proportion ſhall be paid by, or levied upon the Lands of any one or more of them, the Perſon or Perſons ſo aggrieved, his, her or their Executors or Adminiſtrators, may have a Writ out of Chancery, ſetting forth his, her or their Grievance, directed to the Juſtices of the Supreme Court, commanding them to hear the Complaint, and to do Juſtice to the Parties; and the Juſtices of the Supreme Court ſhall thereupon cauſe the Party or Parties, againſt whom ſuch Complaint ſhall be made, to be warned to be before them, at a certain Day, to ſhew, if he, ſhe or they have any Thing to ſay, why his, her or their Lands ſhould not be charged with a due Proportion of the Monies ſo paid or levied; and if he, ſhe or they do not come at the Day, or do come and can ſay nothing why his, her or their Lands ſhould not be charged with a due Proportion of the Monies ſo paid or levied, then the Sheriff of each County, in which ſuch Lands and Tenements ſo chargeable, are or ſhall be ſituated, ſhall be commanded, that by the Oath of twelve good and lawful Men of his County or Bailiwick, he diligently inquire, what was the true Value of the Lands and Tenements in the Hands of each of the Parties reſpectively, in his County or Bailiwick, ſo chargeable, at the Time they became chargeable as aforeſaid; and that he ſend the Inquiſition which he ſhall take thereof, before the ſame Juſtices, at a certain Day, under his Seal, and the Seals of thoſe by whoſe Oath he ſhall take ſuch Inquiſition: And when the Value of the whole Lands and Tenements ſo chargeable ſhall be found, the Juſtices ſhall apportion the Money ſo paid or levied, together with the Plaintiff's Damages and Coſts of Suit, among the ſeveral Holders of the ſaid Lands and Tenements ſo chargeable, according to Equity and Juſtice; and ſhall cauſe ſo much as each Perſon ought to pay, to be levied of the ſaid Lands and Tenements, ſo held by him or her, and to be paid to the Plaintiff or Plaintiffs.

Remedy where ſeveral are bound by Judgment, and one pays more than his Share.

And further, If any Purchaſer of any Lands or Tenements, upon any Execution heretofore iſſued, or hereafter to be iſſued, or his or her Heirs or Aſſigns, ſhall be evicted on Account of any Irregularity in the Proceedings, or Want of Title in the Perſon or Perſons againſt whom ſuch Execution iſſued, or by Reaſon of any prior Incumbrance, then, and in every ſuch Caſe, the Perſon or Perſons ſo evicted, his, her or their Executors or Adminiſtrators, may have a Writ out of the Chancery, ſetting forth his, her or their Grievance, directed to the Juſtices of the Supreme Court, commanding them to hear the Complaint, and to do Juſtice to the Parties, and the Juſtices of the Supreme Court ſhall thereupon cauſe, as well the Party or Parties at whoſe Suit, or for whoſe Benefit the ſame Lands and Tenements were ſold, as the Party againſt whom the Execution iſſued, or their reſpective Heirs, Deviſees, Executors or Adminiſtrators, to be warned to be before them at a certain Day, to ſhew, if they or either of them have any Thing to ſay, why the Plaintiff ſhould not be reſtored to the Monies paid for the ſaid Lands and Tenements; and if they do not come at the Day, or do come and can ſay nothing why the Plaintiff ſhould not have Reſtitution of the ſaid Monies, the Plaintiff ſhall have Judgment and Execution for the ſame, together with his Coſts of Suit, againſt him, her or them, who ought to repay the ſame, and the Party in whoſe Favour ſuch former Judgment

Remedy where Purchaſer upon Execution is evicted.

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was had, or his Heirs, Deviſees, Executors or Adminiſtrators, who may be charged by ſuch Judgment of Reſtitution, ſhall thereupon have ſuch further Judgment and Execution, as Juſtice ſhall require.

How Priſoners are to be kept.

What deemed an Eſcape.

VIII. *And be it further Enacted by the Authority aforeſaid*, That all Priſoners, either upon Contempt or Meſne Proceſs, or in Execution, who are or ſhall be committed to any Priſon, ſhall be actually detained within ſuch Priſon, until they ſhall be from thence diſcharged by due Courſe of Law. And if at any Time the Keeper or Keepers of any Priſon, ſhall permit or ſuffer any Priſoner committed to his or their Cuſtody, either upon Contempt or Meſne Proceſs, or in Execution, to go or to be at large, out of his or their reſpective Priſons, except by Virtue of ſome Writ of *Habeas Corpus*, or Rule of Court, (which Rule of Court ſhall not be granted, but on Motion made, or Petition read in open Court) every ſuch going or being out of the ſaid Priſon, ſhall be adjudged and deemed, and is hereby declared to be an Eſcape.

Penalty on Sheriffs for voluntary Eſcapes.

IX. *And be it further Enacted by the Authority aforeſaid*, That if any Sheriff or Keeper of any Priſon, ſhall take any Sum of Money, Reward or Gratuity whatſoever, or any Security for the ſame, to procure, aſſiſt, connive at, or permit any Eſcape of any Priſoner in his or their Cuſtody, and ſhall be thereof lawfully convicted, every ſuch Sheriff or Keeper, ſhall, for every ſuch Offence, forfeit the Sum of *Five Hundred Pounds*, and his ſaid Office, and be for ever after incapable of executing any ſuch Office.

Re-taking not to be given in Evidence in Actions of Eſcape, nor pleaded without Oath.

X. *And be it further Enacted by the Authority aforeſaid*, That no re-taking on freſh Purſuit, ſhall be given in Evidence on Trial of any Iſſue in any Action of Eſcape, againſt any Sheriff, or Keeper of any Priſon, unleſs the ſame ſhall be ſpecially pleaded; nor ſhall any ſpecial Plea be taken, received or allowed, unleſs Oath be made in Writing by ſuch Sheriff, or Keeper of any Priſon, againſt whom ſuch Action ſhall be brought, and filed with ſuch Plea, that the Priſoner for whoſe Eſcape ſuch Action is brought, did, without his Conſent, Privity or Knowledge, make ſuch Eſcape; and if ſuch Affidavit ſhall at any Time afterwards appear to be falſe, and ſuch Sheriff, or Keeper of any Priſon ſhall be convicted thereof, by due Courſe of Law, he ſhall forfeit the Sum of *Five Hundred Pounds*.

If the Debtor dies in Execution, Plaintiff may have Execution againſt his Eſtate.

XI. *And be it further Enacted by the Authority aforeſaid*, That the Party or Parties at whoſe Suit, or to whom any Perſon doth or ſhall ſtand charged in Execution, for any Debt or Damages recovered, his, her or their Executors or Adminiſtrators may, after the Death of the ſaid Perſon ſo charged and dying in Execution, lawfully ſue forth and have new Execution againſt the Goods and Chattels, Lands and Tenements, or any of them, of the Perſon ſo deceaſed, in ſuch Manner and Form, to all Intents and Purpoſes, as he, ſhe or they, or any of them, might have had by the Laws and Statutes of this State, if ſuch Perſon ſo deceaſed had never been taken or charged in Execution; but no Perſon or Perſons, his, her or their Executors or Adminiſtrators, at whoſe Suit or Suits any ſuch Party ſhall be in Execution, and die in Execution, ſhall have or take any new Execution againſt any the Lands, Tenements or Hereditaments of ſuch Party ſo dying in Execution, which ſhall at any Time after the Judgment or Judgments againſt ſuch Party ſo dying, and by Reaſon whereof ſuch Party was taken or charged in Execution, be by him or her ſold *bona Fide*, for the Payment of any of his or her Creditors, and the Money which ſhall be paid for the Lands ſo ſold, either paid or ſecured to be paid to any of his or her Creditors, with their Privity and Conſent, in Diſcharge of his, her or their due Debts, or of ſome Part thereof; nor againſt any Lands, Tenements or Hereditaments, of any ſuch Perſon ſo dying in Execution, which ſhall have been ſold by Reaſon of any other Judgment againſt the ſaid Party ſo dying in Execution.

But ſuch Execution not to affect any Eſtate *bona Fide* ſold for Payment of Debts.

XII. *And*

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XII. *And be it further Enacted by the Authority aforesaid*, That if any Person who is or shall be committed in Execution to any Prison, shall escape from thence, by any Ways or Means howsoever, the Creditor or Creditors at whose Suit such Prisoner was charged in Execution, at the Time of his or her Escape, shall or may retake such Prisoner, by any new *Capias*, or *Capias ad Satisfaciendum*, or sue forth any other Kind of Execution on the Judgment, as if the Body of such Prisoner had never been taken in Execution.

Upon Escape of Debtor, Plaintiff may have new Execution.

XIII. *And be it further Enacted by the Authority aforesaid*, That if any Person hath been, or shall be condemned in any Court of Record, in this State, and hath been, or shall be, by Virtue of any such Condemnation, committed to Prison, there to remain until he or she shall make Satisfaction to the Party to whom he or she is or shall be condemned, and any Writ or Writs shall be granted, commanding the Sheriff, or Keeper of the Prison where such Prisoner is holden, to have the Body of such Prisoner, with the Cause of his or her Imprisonment, in the Chancery, or in any other Court, or before the Chancellor, or before any Judge or Justice, and it be returned upon the said Writ or Writs, that such Prisoner is condemned by Judgment given against him or her, then, and in every such Case, such Prisoner shall be immediately remanded, where he or she shall remain continually in Prison, according to the Law and Custom of this State, without being let to go by Bail or Mainprize, against the Will of the Party to whom such Prisoner is or shall be condemned, until Satisfaction be made to him or her for the Sum adjudged.

If it appear upon the Return of a *Habeas Corpus*, that a Prisoner is in Execution, he shall be remanded.

CHAP. LVII.

An ACT *for granting and securing to* John Fitch, *the sole Right and Advantage of making and employing, for a limited Time, the Steam-Boat by him lately invented.*

Passed 19th March, 1787.

WHEREAS *John Fitch*, of *Buck's* County, in the State of *Pennsylvania*, hath represented to the Legislature of this State, that he hath constructed an easy and expeditious Method of impelling Boats through the Water by the Force of Steam, praying that an Act may pass, granting to him, his Excutors, Administrators and Assigns, the sole and exclusive Right of making, employing and navigating all Boats impelled by the Force of Steam or Fire, within the Jurisdiction of this State, for a limited Time: Wherefore, in order to promote and encourage so useful an Improvement and Discovery, and as a Reward for his Ingenuity, Application and Diligence;

Preamble.

I. *Be it Enacted by the People of the State of* New-York, *represented in Senate and Assembly, and it is hereby Enacted by the Authority of the same*, That the said *John Fitch*, his Heirs, Executors, Administrators and Assigns, shall be, and they are hereby vested with the sole and exclusive Right and Privilege of constructing, making, using, employing and navigating all and every Species or Kind of Boats, or Water Craft, which may be urged or impelled through the Water by the Force of Fire or Steam, in all Creeks, Rivers, Bays and Waters whatsoever, within the Territory and Jurisdiction of this State, for and during the full End and Term of *fourteen* Years, from and after the present Session of the Legislature.

Sole Right of constructing and using Boats impelled by Steam, granted to *John Fitch*, for *fourteen* Years.

II. *And be it further Enacted by the Authority aforesaid*, That if any Person or Persons whomsoever, without being properly authorised by him the said *John Fitch*, his Heirs, Executors or Administrators, shall make, use, employ or navigate, any Boat or Water Craft, which shall or may be urged,

Penalty on other Persons constructing or using such Boats.

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impelled, forced or driven through the Water by the Force, Power or Agency of Fire or Steam as aforeſaid, within the Territory or Juriſdiction of this State, every Perſon or Perſons ſo offending againſt the Tenor, true Intent and Meaning of this Act, for each and every ſuch Offence, ſhall forfeit and pay unto the ſaid *John Fitch*, his Heirs, Executors or Adminiſtrators, or to ſuch other Perſon or Perſons, as he the ſaid *John Fitch*, his Heirs or Aſſigns, ſhall authoriſe and empower for that Purpoſe, the Sum of *One Hundred Pounds*, to be recovered by Action of Debt, in any Court of Record within this State, wherein the ſame may be cognizable, with Coſts of Suit; and ſhall alſo forfeit to him the ſaid *John Fitch*, his Heirs or Aſſigns, all ſuch Boats or Water Craft, together with the Steam Engine, and all the Appurtenances thereof, to be recovered in Manner aforeſaid, with Coſts of Suit.

This Act not to extend to Boats to be impelled by any other Means.

III. *Provided always, and be it further Enacted by the Authority aforeſaid*, That neither this Act, nor any Clauſe, Matter or Thing therein contained, ſhall be taken, deemed or conſtrued to prohibit or prevent any Perſon or Perſons from making, uſing, employing or navigating, within this State, any Kind of Boats or Water Craft, heretofore invented or hereafter to be invented, on any other Principles, Conſtruction or Model, which may be urged, impelled or driven along through the Water, by any other Power, Force, Agency or Means, except Fire or Steam.

CHAP. LVIII.

An ACT *for the better extinguiſhing of Fires in the City of* New-York.

Paſſed 19th March, 1787.

The Common Council of the City of *New-York*, to appoint Firemen.

I. BE *it Enacted by the People of the State of* New-York, *repreſented in Senate and Aſſembly, and it is hereby Enacted by the Authority of the ſame*, That it ſhall and may be lawful to and for the Mayor, Aldermen and Commonalty of the City of *New-York*, in Common Council convened, or the major Part of them, and they are hereby required, to nominate and appoint a ſufficient Number of ſtrong, able, diſcreet, honeſt and ſober Men, willing to accept, not exceeding *Three Hundred* in Number, of the Inhabitants, being Freeholders or Freemen of the ſaid City, to have the Care, Management, Working and Uſing the Fire-Engines, and the other Tools and Inſtruments now provided, or hereafter to be provided, for extinguiſhing of Fires within the ſaid City; which Perſons ſo to be nominated and appointed as aforeſaid, ſhall be called, *The Firemen of the City of* NEW-YORK; and who, with the Engineers of the ſame City, are hereby required and enjoined to be ready at all Times, as well by Night as by Day, to manage, work and uſe the ſame Fire-Engines, and other the Tools and Inſtruments aforeſaid, ſo provided and to be provided for extinguiſhing of Fires in the ſame City.

Duty of Firemen.

Exempted from ſerving as Conſtables, Jurors or Militia.

II. AND in order that the Firemen ſo to be nominated and appointed as aforeſaid, may be diligent and vigilant in the Execution of their Duty; *Be it further Enacted by the Authority aforeſaid*, That the Perſons ſo to be nominated and appointed Firemen as aforeſaid, and each and every of them, from Time to Time, during their Continuance in that Office, and no longer, ſhall be, and hereby are declared to be freed, exempted and privileged from ſerving in the Office of Conſtable, and from being impanelled or returned upon any Juries or Inqueſts, and of and from Militia Duty within the ſaid City, except in Caſes of Invaſion, or other imminent Danger; and that the Names of all Firemen, to be nominated and appointed by Virtue of this Act, ſhall, from Time to Time, be regiſtered and entered with the Clerk of the Peace of the ſaid City; and his Certificate ſhall be ſufficient Evidence, in all

Their Names to be regiſtered.

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all Courts and Caſes, of ſuch Privilege and Exemption. *And further*, That it ſhall and may be lawful to and for the Mayor, Aldermen and Commonalty of the ſaid City, in Common Council convened, or the major Part of them, to remove and diſplace all or any of the Firemen now appointed, or ſo as aforeſaid to be nominated and appointed, by Virtue of this Act, when and as often as they ſhall think fit, and others in the Room or Places of ſuch as they ſhall ſo remove or diſplace, to nominate and appoint, and ſo from Time to Time, as they the ſaid Mayor, Aldermen and Commonalty of the ſaid City, in Common Council convened, or the major Part of them, for the Time being, ſhall think proper.

Common Council may remove them, & appoint others;

III. *And be it further Enacted by the Authority aforeſaid*, That it ſhall and may be lawful to and for the Mayor, Aldermen and Commonalty of the ſaid City, in Common Council convened, or the major Part of them, to make, eſtabliſh and ordain, ſuch Rules, Orders, Ordinances and Regulations, in Reſpect of the Government, Conduct, Duty and Behaviour of the Perſons to be by them, from Time to Time, nominated and appointed Firemen, in Virtue of this Act, in the working, managing and frequent exerciſing, trying and uſing of the ſame Fire-Engines, Tools and other Inſtruments, and to impoſe and eſtabliſh ſuch reaſonable Fines, Penalties and Forfeitures upon them, or any of them, for Default or Neglect of the Duties and Services thereby to be enjoined or required from them, as the Mayor, Aldermen and Commonalty of the ſame City, in Common Council convened, or the major Part of them, ſhall, from Time to Time, think proper.

And eſtabliſh Rules for their Government;

IV. *And be it further Enacted by the Authority aforeſaid*, That upon the breaking out of any Fire within the ſaid City, the Sheriff, Deputy Sheriffs, Conſtables and Marſhals (upon Notice thereof) ſhall immediately repair to the Place where ſuch Fire ſhall happen, with their Rods, Staves and other Badges of Authority, and be aiding and aſſiſting, as well in the extinguiſhing of the ſaid Fires, and cauſing the Perſons attending the ſame, to work, as in preventing any Goods or Houſehold Furniture from being ſtolen at ſuch Fires, and ſhall ſeize and apprehend all ill-diſpoſed Perſons whom they find ſtealing or pilfering: And that the Officers aforeſaid ſhall alſo give their utmoſt Aſſiſtance to the Inhabitants in removing and ſecuring their ſaid Goods and Furniture; and in the Execution of the Duties required from them by this Act, ſhall, in all Reſpects, be obedient to the Orders and Directions of the Mayor, Recorder and Aldermen of the ſaid City, or ſuch of them as ſhall, from Time to Time, be preſent at ſuch Fires.

Sheriffs, Conſtables and Marſhals to aſſiſt in extinguiſhing Fires,

And in removing and ſecuring Goods.

V. *And be it further Enacted by the Authority aforeſaid*, That it ſhall and may be lawful to and for the Mayor, Aldermen and Commonalty of the ſaid City, in Common Council convened, by a Bye-Law or Bye-Laws, Ordinance or Ordinances, by them for that Purpoſe to be made and ordained, to direct and require the Inhabitants, or Owners of Houſes and other Buildings in the ſaid City, to furniſh and provide themſelves with ſuch and ſo many Fire-Buckets, to be ready in their reſpective Houſes and other Buildings, for the Purpoſes of extinguiſhing Fires which may happen in the ſaid City, and to impoſe and eſtabliſh ſuch reaſonable Fines, Penalties and Forfeitures, for every Neglect, Default or Diſobedience thereof, as the ſaid Mayor, Aldermen and Commonalty of the ſaid City, in Common Council convened, ſhall think proper.

Citizens to furniſh themſelves with Fire-Buckets.

VI. And *whereas* the Inhabitants of the ſaid City have, on all Occaſions of Fire, not only cheerfully afforded their ready Aſſiſtance in extinguiſhing the ſame, but have alſo ſent out their Leather Fire-Buckets for that Purpoſe, many of which have, from Time to Time, been burnt, deſtroyed or loſt, for which no Recompence or Allowance hath been provided, which may prove a great

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a great Diſcouragement to Owners of Buckets in furniſhing them on the like Occaſion for the future; For Remedy whereof, *Be it further Enacted by the Authority aforeſaid*, That in Caſe any Perſon or Perſons ſhall hereafter loſe any Bucket or Buckets, at any Fire which may happen in the ſaid City, and ſhall make Proof before the Mayor, Recorder, or any one of the Aldermen of the ſaid City for the Time being, of the Value of ſuch Bucket or Buckets, and that the ſame was or were actually loſt or deſtroyed in that Service; that then, and in ſuch Caſe, the Mayor, Aldermen and Commonalty of the ſaid City, in Common Council convened, ſhall, by Warrant under the Hand of the Mayor or Recorder, preſiding at ſuch Common Council, directed to the Treaſurer or Chamberlain of the ſaid City for the Time being, order the Value of ſuch Bucket or Buckets to be paid to ſuch Perſon or Perſons ſo making Proof of the Loſs thereof, out of any Monies remaining in his Hands for the Payment of the contingent Expences ariſing in the ſaid City. And if any Perſon or Perſons ſhall, at any Time thereafter, be convicted of having taken a falſe Oath touching the Premiſes, he, ſhe or they ſo offending, ſhall incur the Penalties of wilful and corrupt Perjury.

How Perſons loſing Buckets at Fires to be paid.

VII. *Provided always, and be it further Enacted by the Authority aforeſaid*, That if any ſuch Bucket or Buckets ſo proved to be loſt as aforeſaid, ſhall afterwards happen to be found, the Property thereof ſhall thenceforward be in the Mayor, Aldermen and Commonalty of the City of *New-York*, unleſs the Owner or Owners thereof will take back the ſame, and return the Money allowed and paid to him or them for the Loſs thereof.

Such Buckets, if found, to be the Property of the Corporation.

CHAP. LIX.

An ACT *for the more effectual Preſervation of the public Wells and Pumps in the City of* New-York.

Paſſed 19th March, 1787.

WHEREAS it is found by Experience, that the keeping the public Wells and Pumps in the City of *New-York*, in conſtant Repair, hath contributed to the Safety of the ſaid City, againſt Accidents by Fire: Therefore,

Preamble.

I. *Be it Enacted by the People of the State of* New-York, *repreſented in Senate and Aſſembly, and it is hereby Enacted by the Authority of the ſame*, That it ſhall and may be lawful to and for the Mayor, Recorder and Aldermen, or any five of them, whereof the Mayor or Recorder to be one, and they are hereby directed and required, on the *firſt* Tueſday in *May* next, and on the *firſt* Tueſday in *May* in every Year thereafter, to nominate and appoint one or more fit Perſon or Perſons for each and every of the Wards of the ſaid City, being Inhabitants of the ſaid City, and actually reſident in ſuch reſpective Wards, to be Overſeers of the Wells and Pumps in ſuch reſpective Wards, for the Year then next enſuing; all which Perſons ſo to be appointed as aforeſaid, ſhall have the Care and Charge of all and every the public Wells and Pumps which now are, or hereafter ſhall be ſunk or made in the Ward for which he or they ſhall be ſo ſeverally appointed Overſeers as aforeſaid; of which Appointment ſo to be made, the ſaid Mayor or Recorder, with three or more Aldermen, ſhall, within *three* Days thereafter, ſend Notice in Writing to each and every of the ſaid Perſons ſo by them to be appointed Overſeers as aforeſaid. And if any public Well or Pump ſhall ſtand in a Street where two Wards do join, then the Aldermen of the two Wards ſo joining, or if they diſagree, the Mayor or Recorder with them ſhall direct and appoint which of the Overſeers ſhall take the Care and Charge of ſuch Well or Pump. And if any public Well or Pump ſhall ſtand in a Street were three Wards do join, that then the Aldermen of the ſaid Wards ſo joining, or the major Part of them, ſhall direct and appoint which of the ſaid Overſeers ſhall take the Care and Charge of ſuch Well or Pump.

Mayor, Recorder and Aldermen to appoint Overſeers of public Pumps and Wells yearly, on the *firſt* Tueſday in *May*.

II. *And*

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II. *And be it further Enacted by the Authority aforeſaid*, That each and every Perſon ſo to be appointed Overſeer as aforeſaid, ſhall, within eight Days next after his being ſo appointed, and Notice thereof to him given as aforeſaid, cauſe all and every the Wells and Pumps whereof he is or ſhall be appointed Overſeer as aforeſaid, to be viewed, examined, cleanſed and put in good Order and Repair, and ſhall ſo keep and maintain them, from Time to Time, as long as he ſhall continue Overſeer thereof; and ſhall alſo, from Time to Time, cauſe new Pumps to be put into ſuch Wells as the Alderman and Aſſiſtant of the Ward ſhall judge neceſſary. And in Caſe any one or more of the Overſeers to be appointed by Virtue of this Act, ſhall remove out of the ſaid City, or ſhall die before the Expiration of one Year next after his being appointed, or being appointed, ſhall refuſe to Act, that then, and in either of the ſaid Caſes, it ſhall and may be lawful to and for the ſaid Mayor, Recorder and Aldermen of the ſaid City, or any five of them, whereof the Mayor or Recorder to be one, by a Majority of Voices, to appoint another or others in his or their Room and Stead, and ſo as often as ſuch Caſe ſhall happen. *And further*, That all and every the Overſeers to be appointed by the ſaid Mayor, Recorder and Aldermen, by Virtue of this Act, ſhall keep juſt, fair and exact Accounts, of all and every Sum and Sums of Money, which they or any of them ſhall pay and expend, in, about and towards the cleanſing, maintaining and keeping in good Repair the Wells and Pumps in his or their Charge.

Overſeers Duty.

In Caſe of Death or Removal, others to be appointed.

Overſeers to keep true Accounts of Expenditures.

III. *And be it further Enacted by the Authority aforeſaid*, That in Caſe any or either of the Overſeers ſo to be appointed by Virtue of this Act, ſhall neglect or refuſe to accept the Office, or having accepted thereof, ſhall neglect or refuſe to do his Duty therein, as is required by this Act, every ſuch Perſon ſhall, for every ſuch Refuſal, Neglect or Delay, forfeit the Sum of *Five Pounds*, lawful Money of this State; to be recovered by Action of Debt, with Coſts of Suit, in any Court within this State, having Cognizance thereof, by any Perſon or Perſons who ſhall ſue and proſecute the ſame to Effect; one Half of which Forfeiture, when recovered, ſhall be paid to the Treaſurer or Chamberlain of the ſaid City for the Time being, and applied towards repairing ſuch public Wells and Pumps, in the ſame Manner as the other Monies to be raiſed for that Purpoſe, are directed to be appropriated, and the other Half to the Perſon who ſhall ſue and proſecute for the ſame to Effect as aforeſaid.

Penalty for Neglect of Duty.

IV. *And be it further Enacted by the Authority aforeſaid*, That the Overſeers of the public Wells and Pumps in each of the Wards of the ſaid City, ſhall, once in every *three* Months, render to the Mayor, Aldermen and Commonalty of the ſaid City of *New-York*, in Common Council convened, a juſt and true Account upon Oath, of all and every Sum and Sums of Money by him or them reſpectively paid and expended, in and about the cleanſing, amending and repairing the Wells and Pumps aforeſaid, together with the Vouchers or Receipts for the ſame (to be by them inſpected, examined and filed); and the ſaid Common Council of the City of *New-York*, ſhall thereupon forthwith iſſue their Warrant, to be ſigned by the Mayor or Recorder, preſiding at ſuch Common Council, directed to the Treaſurer or Chamberlain of the ſaid City for the Time being, and requiring him to pay to ſuch Overſeer ſo producing Vouchers, and making Oath to his Account, the full Amount thereof, out of any Monies remaining in his Hands for ſuch Purpoſes.

Overſeers to account every *three* Months.

V. AND *whereas* divers diſorderly Perſons have frequently been guilty of cutting Well-Ropes, and breaking the Handles of Pumps, and doing other Miſchiefs to both; For Prevention whereof for the future, *Be it further Enacted by the Authority aforeſaid*, That if any Perſon or Perſons ſhall wil-

Penalty on Perſons maliciouſly damaging Pumps, &c.

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fully or maliciouſly cut any of the public Well-Ropes, or break or injure the Handles of, or do any other Hurt or Damage to any of the ſaid Wells or Pumps, and ſhall thereof be convicted before the Mayor, Recorder, or any one of the Aldermen of the ſaid City, either by the Confeſſion of the Party or Parties ſo offending, or by the Oath of one or more credible Witneſs or Witneſſes, he, ſhe or they ſhall, for every ſuch Offence, forfeit the Sum of *Forty Shillings;* to be recovered, with Coſts of Suit, and levied by Warrant under the Hand and Seal of ſuch Mayor, Recorder or Aldermen, before whom ſuch Offender or Offenders ſhall be convicted; one Half of which Forfeiture to be paid to the Treaſurer or Chamberlain of the ſame City for the Time being, to be applied as aforeſaid, and the other Half to the Perſon or Perſons who ſhall proſecute for the ſame to Effect; and upon Refuſal of Payment of ſuch Forfeiture or Forfeitures, and Want of ſufficient Diſtreſs whereon the ſame can be levied, then the ſaid Mayor, Recorder or Alderman, before whom ſuch Conviction ſhall take Place, is hereby empowered and required, by Warrant under his Hand and Seal, to commit every ſuch Offender to the Bridewell, or Houſe of Employment of the ſaid City, there to remain without Bail or Mainpriſe, for the Space of one Month, or until ſuch Forfeiture and Coſt ſhall be paid. And if ſuch Offence ſhall be committed by any Apprentice, Servant or Slave, ſuch Forfeiture ſhall be paid by his or her Maſter, Miſtreſs or Owner; or in Default thereof, ſuch Apprentice, Servant or Slave, ſhall be committed to the Bridewell, or Houſe of Employment of the ſaid City, in Manner aforeſaid.

CHAP. LX.

Private.

An ACT *to veſt the real Eſtate of* Hendrick Remſen, *deceaſed, in Truſtees, for the Purpoſes therein mentioned.*

Paſſed 21ſt March, 1787.

CHAP. LXI.

An ACT *for the better regulating the public Roads in the City and County of* New-York.

Paſſed 21ſt March, 1787.

Common Council appointed Commiſſioners of Highways in *New-York.*

I. BE *it Enacted by the People of the State of* New-York, *repreſented in Senate and Aſſembly, and it is hereby Enacted by the Authority of the ſame,* That the Mayor, Aldermen and Commonalty of the City of *New-York*, in Common Council convened, and their Succeſſors, ſhall be, and hereby are appointed Commiſſioners to regulate and keep in Repair, the preſent public Roads or Highways; and to lay out, regulate and keep in Repair, ſuch other public Roads or Highways, as ſhall hereafter be laid out in the ſaid City and County.

Authoriſed and empowered to widen or alter Highways,

II. *And be it further Enacted by the Authority aforeſaid,* That the ſaid Commiſſioners ſo as aforeſaid by this Act appointed, ſhall be, and hereby are fully authoriſed and empowered to widen or alter all public Roads and Highways, already laid out in the ſaid City and County, to ſuch convenient breadth, not exceeding *four* Rods, nor leſs than *two* Rods, as the ſaid Commiſſioners ſhall judge fit, to make them paſſable for Horſes and Carriages. And alſo to lay out and make ſuch other public Roads or Highways, as they ſhall think neceſſary or convenient for the ſaid City and County, in Manner aforeſaid, if the Owner or Owners of the ſaid Lands through which ſuch new Roads are to run, or his, her or their Agent, or legal Repreſentative, will, on reaſonable Recompence, conſent to the ſame. And if, in widening or altering any ſuch public

public Road or Highway now in being, or if in laying out any public Road or Highway hereafter, or in widening or altering the ſame, the ſaid Commiſſioners ſhall take or require for ſuch Purpoſes, the Lands of any Perſon or Perſons, they ſhall give Notice thereof to the Owners or Proprietors of ſuch Land, or to his, her or their Agent, or legal Repreſentative. And to the End that reaſonable Satisfaction may be made, for all ſuch Lands as ſhall be taken and employed for the Uſe aforeſaid, the ſaid Commiſſioners ſhall and may treat and agree with the Owners and Perſons intereſted therein, or his, her or their Agent, or legal Repreſentative; and if any ſuch Owners or Proprietors ſhall refuſe to treat in Manner aforeſaid, then, and in ſuch Caſe, it ſhall and may be lawful to and for the Mayor or Recorder, and any two or more Aldermen, by Virtue of this Act, to iſſue a Precept directed to the Sheriff of the ſaid City and County of *New-York*, commanding him to impanel and return, and he is hereby required to impanel and return a Jury to appear before the Mayor's Court, at the then next Meeting thereof, not leſs than three Weeks from the Date of ſuch Precept, to enquire of and aſſeſs the Damages and Recompence due to the Owner or Owners of ſuch Land; and at the ſame Time to ſummon the Owner or Owners of ſuch Land, or his, her or their Agent, or legal Repreſentative, by Notice to be left at his or her laſt moſt uſual Place of Abode, to appear before ſuch Mayor's Court, on the Day, and at the Place of the Return of ſuch Precept; which Jury, being firſt duly ſworn for that Purpoſe, and having viewed the Premiſes, if neceſſary, ſhall inquire of and aſſeſs ſuch Damages and Recompence as they ſhall, under all the Circumſtances, judge fit to be awarded to the Owner or Owners of ſuch Land, according to their ſeveral and reſpective Intereſts and Eſtates of and in ſuch Land, or any Part thereof, for their reſpective Intereſts and Eſtates in the ſame; and the Verdict of ſuch Jury, and the Judgment of the ſaid Mayor's Court thereupon, and the Payment of the Sum and Sums of Money ſo awarded and adjudged to the Owner or Owners thereof, or Tender and Refuſal thereof, ſhall be binding, to all Intents and Purpoſes, againſt the ſaid Owners, and their reſpective Heirs, Executors, Adminiſtrators and Aſſigns, claiming any Intereſt or Title in or to the ſame Land, and ſhall be a full Authority to the ſaid Commiſſioners to cauſe the ſaid Land to be converted to and uſed for the Purpoſes aforeſaid; any Thing herein, or in any other Law contained to the Contrary hereof in any wiſe notwithſtanding.

And to lay out new Highways.

Lands appropriated for that Purpoſe to be paid for.

Manner of aſcertaining the Value thereof.

III. *Provided always, and be it further Enacted by the Authority aforeſaid*, That nothing in this Act before contained, ſhall be deemed to authoriſe or require Compenſation to be made to any Perſon or Perſons, for any Lands which he, ſhe or they ſhall have obtained by encroaching on ſuch public Road or Highway. *And Provided further*, That the main Road or Highway leading to *King's-Bridge*, ſhall not be of leſs breadth than it is at preſent, nor any Part thereof leſs than *four* Rods wide.

Road to *King's-Bridge* not to be leſs than *four* Rods.

IV. *And be it further Enacted by the Authority aforeſaid*, That it ſhall and may be lawful to and for the ſaid Commiſſioners, to cauſe to be made, built and erected, ſuch and ſo many Cauſeways and Bridges, and at ſuch Places as they ſhall think neceſſary, and to cauſe Ditches from ſuch public Roads or Highways to be made and cut thro' any Perſon's Land, where they ſhall judge proper, for conveying the Water from, and keeping the ſame Roads or Highways dry and in good Order; and from Time to Time to appoint one or more Surveyors or Overſeers of the ſaid Roads or Highways, and to employ Labourers and Workmen to make and keep the ſame in Repair.

Commiſſioners empowered to build Bridges and Cauſeways, and make Ditches.

V. *And be it further Enacted by the Authority aforeſaid*, That the ſaid Commiſſioners ſhall, from Time to Time, make regular Returns in Writing, of all the Roads or Highways by them widened, altered or laid out, to be ſigned by

Returns of public Roads to be recorded.

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by the Clerk of the Common Council of the ſaid City of *New-York*, and cauſe the ſame to be entered in the Records of the ſame City; and that whatever the ſame Commiſſioners ſhall do according to the Power given them by this Act, being ſo entered on Record, ſhall be deemed good and valid, to all Intents, Conſtructions and Purpoſes in the Law whatſoever.

Penalty on Perſons injuring or obſtructing the Roads.

VI. *And be it further Enacted by the Authority aforeſaid*, That if any Perſon or Perſons, ſhall wantonly ſpoil or damage any ſuch Roads, Bridges or Cauſeways, or fill up or deſtroy any of the Ditches aforeſaid, or fence acroſs any of the ſaid Roads or Highways, or erect or ſet up any Gates thereon, or put or leave in any of them, any unneceſſary Obſtruction, without Leave of the ſaid Commiſſioners; or if any Perſon or Perſons ſhall leave a dead Horſe, or the Carcaſe of any other Beaſt, or any broken Carriage, in any of the ſaid Roads or Highways, for any longer Time than may be neceſſary to remove the ſame, or ſet up in or near the ſaid Roads or Highways, any Thing by which Horſes are uſually affrighted, or ſhall, by any improper Behaviour, affright any Horſe or Traveller, on any of the ſame Roads or Highways, every ſuch Perſon ſhall, for every ſuch Offence, forfeit and pay to the Treaſurer or Chamberlain of the ſaid City for the Time being, the Sum of *Forty Shillings*, lawful Money of this State; to be recovered by the ſame Treaſurer or Chamberlain, with Coſts of Suit, by Action of Debt, before any Court having Cognizance thereof; and when recovered, to be applied to the repairing and improving the ſaid Roads or Highways, as the ſaid Commiſſioners ſhall think fit. *And further*, To prevent, as far as poſſible, the Evaſion of the good Purpoſes intended by this Act, that the Owner of every dead Horſe or other Nuiſance aforeſaid, left in any of the ſaid public Roads or Highways, ſhall be deemed to have put or left the ſame thereon, unleſs he or ſhe prove the Contrary.

Overſeers to remove Nuiſances

VII. *And be it further Enacted by the Authority aforeſaid*, That on Information being given by any Perſon whomſoever, to the Overſeer or Overſeers of the ſaid Roads or Highways, of any of the ſaid Nuiſances or Obſtructions, he ſhall immediately proceed to the removing thereof; and ſhall alſo uſe his beſt Endeavors to diſcover the Perſon or Perſons who committed the ſame, who, upon Diſcovery, ſhall not only be liable to the Penalties herein before appointed, but alſo to the Coſts of removing them, and a reaſonable Compenſation to ſuch Overſeer or Overſeers, for his or their Time or Trouble therein; to be recovered by ſuch Overſeer or Overſeers, with Coſts of Suit, before any Court having Cognizance thereof, as aforeſaid. *And further*, That every Overſeer who ſhall neglect or refuſe to do his Duty, according to the true Intent and Meaning of this Act, ſhall, for every ſuch Neglect or Refuſal, forfeit and pay to the Treaſurer or Chamberlain of the ſaid City for the Time being, the Sum of *Five Pounds*, like lawful Money, for every Offence; to be recovered, with Coſts of Suit, and paid and applied as aforeſaid.

Penalty on Overſeers for Neglect.

Proceſs againſt Offenders to be by Warrant, and on Conviction, Execution to be againſt Body and Goods.

VIII. *And be it further Enacted by the Authority aforeſaid*, That the firſt Proceſs to be iſſued againſt any Offender or Offenders againſt this Act, ſhall be by Warrant, and not otherwiſe; and that the Execution, on Conviction, ſhall be againſt the Goods and Chattels of the Offender or Offenders; and for Want of ſuch Goods and Chattels, againſt his, her or their Bodies, and ſhall be contained in one and the ſame Precept, and not otherwiſe; any Law, Uſage or Cuſtom to the Contrary hereof in any wiſe notwithſtanding.

Penalty for deſtroying Trees in any Road.

IX. *And be it further Enacted by the Authority aforeſaid*, That in Caſe any Perſon or Perſons, ſhall fell or otherwiſe deſtroy any Tree or Trees ſtanding on any of the ſaid Roads, or within the Diſtance of one Rod thereof, without the leave of the ſaid Mayor, Aldermen and Commonalty, or of the Owner of ſuch Tree or Trees; ſuch Perſon or Perſons ſhall, for every ſuch Offence, forfeit the Sum of *Three Pounds*; to be recovered, paid and applied as aforeſaid.

X. *And*

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X. *And be it further Enacted by the Authority aforeſaid*, That in all Caſes of Perſons meeting each other on any of the ſaid Roads or Highways, in Carriages, Waggons, Carts or Sleighs, thoſe who are going out Northward, ſhall give way to ſuch as are coming in Southward, under the Penalty of *Forty Shillings* for every Offence; to be recovered, paid and applied in Manner aforeſaid.

Perſons going Northward, to give way to thoſe coming Southward.

CHAP. LXII.

An ACT *for the more eaſy Aſſeſſment and Collection of Taxes in the City and County of* New-York.

Paſſed 21ſt March, 1787.

I. BE *it Enacted by the People of the State of* New-York, *repreſented in Senate and Aſſembly, and it is hereby Enacted by the Authority of the ſame*, That all Taxes to be levied within the City and County of *New-York*, by Virtue of any Law hereafter to be made and paſſed, whether for the Uſe of the State, or for the Maintenance of the Poor, and defraying the contingent Charges within the ſaid City and County, ſhall be rated and aſſeſſed by the Aſſeſſors, and collected by the Collectors now choſen, or hereafter to be choſen for the aſſeſſing and collecting of Taxes to be raiſed within the ſaid City and County; any Law, Uſage or Cuſtom to the Contrary in any wiſe notwithſtanding.

Taxes how to be rated and aſſeſſed in *New-York*.

II. *And be it further Enacted by the Authority aforeſaid*, That all Monies heretofore raiſed, or hereafter to be raiſed by Tax on Eſtates real and perſonal, of the Freeholders and Inhabitants of the ſaid City and County, for the Maintenance of the Poor, and for defraying the contingent Charges within the ſaid City and County, ſhall be paid into the Hands of the Treaſurer or Chamberlain of the ſame City for the Time being, and ſhall be applied and diſpoſed of, for the Purpoſes for which the ſame are or ſhall be ſo raiſed, in ſuch Proportions, and from Time to Time, as the Mayor, Aldermen and Commonalty of the ſame City, in Common Council convened, by Warrant under the Hand of the Mayor or Recorder of the ſaid City, preſiding in ſuch Common Council, ſhall direct and appoint.

Monies raiſed for ſupporting the Poor, how to be applied.

III. *And be it further Enacted by the Authority aforeſaid*, That the Mayor, Recorder and Aldermen for the Time being, of the City of *New-York*, or the major Part of them, of whom the Mayor or Recorder always to be one, ſhall be, and hereby are declared to be the *Superviſors* of the City and County of *New-York*, and ſhall be ſo conſidered in all Laws already made, and hereafter to be made, except in ſuch Caſes where in and by this Act, or any other of the Laws aforeſaid, it is or hereafter ſhall be otherwiſe expreſsly directed.

Mayor, Recorder & Aldermen conſtituted Superviſors of the City.

IV. *And be it further Enacted by the Authority aforeſaid*, That no Miniſter of the Goſpel, Phyſician, Surgeon, Clerk or Attorney of any Court of Record, or any Perſon who ſhall have ſerved as a Member or Clerk of the Senate or Aſſembly, or in any Office in the Corporation of the ſaid City, ſuperior to that of Collector or Conſtable, ſhall be compelled to ſerve in the ſaid Office of Collector or Conſtable, within the ſaid City.

What Perſons exempted from ſerving as Collectors or Conſtables.

CHAP. LXIII.

An ACT *for altering the Charter Rights of the City of* Albany.

Paſſed 21ſt March, 1787.

WHEREAS by the Charter of Incorporation granted to the Mayor, Aldermen and Commonalty of the City of *Albany*, on the Twenty-ſecond Day of *July*, in the Year of our Lord One Thouſand Six Hundred and Eighty-ſix, it is, among other Things, granted and declared, "That the "Mayor

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" Mayor of the ſaid City for the Time being, and no other, ſhall have Power " and Authority to grant Licences annually, under the public Seal of the ſaid " City, to all Tavern-Keepers, Ordinary-Keepers, Victuallers, and all public " Sellers of Wine, ſtrong Waters, Cyder, Beer, or any Sort of Liquor by " Retail, within the Liberties and Precincts thereof, or without the ſame, in " any Part of the County of *Albany*; and that the Mayor of the ſaid City for " the Time being, ſhall be the ſole Coroner of the ſaid City and County of " *Albany*. That the ſaid Mayor, Aldermen and Commonalty ſhould have the " excluſive Right of regulating the Trade with the Indians in the ſaid City of " *Albany*, and to the Eaſtward, Northward and Weſtward of the ſaid City; " and that the Freemen of the ſaid City, and no other Inhabitant of the Colony " of *New-York*, ſhould be admitted to ſuch Trade. That the Election of " Aldermen, Aſſiſtants and Chamberlain for the ſaid City, ſhall be annually " held on the Feaſt of *St. Michael*, the Archangel. That the Mayor, and any " three or more of the Aldermen, and three or more of the Aſſiſtants, ſhall " be the Common Council of the ſaid City. And that a Court of Common " Pleas ſhall be held once every Fortnight, for the ſaid City of *Albany*, before " the Mayor, Recorder and Aldermen, or any three of them, whereof the

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" Mayor or Recorder to be one." *And whereas* the ſaid Mayor, Aldermen and Commonalty have, by a Deed under their common Seal, ſurrendered and yielded up to the People of this State, the ſaid above mentioned and recited Rights and Privileges granted to them in and by the ſaid Charter, of the Mayor of the ſaid City, granting Licences to Tavern-Keepers, and others as aforeſaid, in any Part of the County of *Albany*, (the ſaid City of *Albany* only excepted) and of the Mayor, being the Coroner of the ſaid City and County of *Albany*, and alſo the Right of regulating and excluſively enjoying the ſaid Trade with the ſaid Indians, and alſo the Right of electing the Officers aforeſaid, on the Feaſt Day of *St. Michael*, the Archangel: *And whereas* the

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ſaid Mayor, Aldermen and Commonalty of the ſaid City, have alſo, by their Petition under their Common Seal as aforeſaid, prayed to have certain Alterations made in the Rights and Privileges herein before recited, and not in and by the ſaid Deed ſurrendered and yielded up; Therefore,

Surrender of certain Charter Rights of the City of *Albany* accepted.

I. *Be it Enacted by the People of the State of* New-York, *repreſented in Senate and Aſſembly, and it is hereby Enacted by the Authority of the ſame*, That the ſaid Deed of the ſaid Mayor, Aldermen and Commonalty of the City of *Albany*, is hereby declared to be accepted; and that the ſaid Rights and Privileges of the Mayor of the ſaid City, of granting Licences to Tavern-Keepers and others as aforeſaid (excepting only in the City of *Albany*,) and of being Coroner of the ſaid City and County of *Albany*, and alſo the Right of regulating and carrying on the ſaid Trade with the Indians, and alſo the Right of electing the ſaid Aldermen, Aſſiſtants and Chamberlains, on the Day aforeſaid, reſpectively granted in and by the ſaid Charter of Incorporation, ſhall be, and the ſame are hereby reſpectively aboliſhed, abrogated, annulled and made void; any Thing in the ſaid Charter contained to the Contrary thereof in any wiſe notwithſtanding.

Election for Corporation Officers to be on the *laſt* Tueſday of *September* in every Year.

II. *And be it further Enacted by the Authority aforeſaid*, That the Election of the ſaid Aldermen, Aſſiſtants and Chamberlain, to be elected in Purſuance of, and in Virtue of the ſaid Charter, ſhall forever hereafter be held on the *laſt* Tueſday of *September*, in every Year; and that the ſaid Aldermen, Aſſiſtants and Chamberlain ſhall, inſtead of taking the Oaths of Office purſuant to the Directions of the ſaid Charter, on the fourteenth Day of *October*, in every Year forever hereafter, take the ſaid Oaths in the Manner preſcribed in and by the ſaid Charter, on the *ſecond* Tueſday of *October*, in every Year.

III. *And*

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III. *And be it further Enacted by the Authority aforesaid*, That it shall and may be lawful, when and as often as the Mayor of the said City for the Time being, shall be sick, die or be absent from the said City, for the Recorder of the said City, to convene a Common Council for the said City, and to hold the same in the like Manner, and with the same Number of Aldermen and Assistants, as the Mayor of the said City, in and by the said Charter, is authorised and empowered to convene and hold the same.

Recorder, in the Absence of the Mayor, may hold a Common Council.

IV. *And be it further Enacted by the Authority aforesaid*, That in Case of the Sickness, Death or Absence of the Mayor and Recorder, it shall and may be lawful to and for any three of the Aldermen of the said City, to hold and keep the Court of Common Pleas established in and by the said Charter, in like Manner as if the said Mayor or Recorder were present in, and together with two Aldermen, held and kept the same.

In Absence of the Mayor and Recorder, any three Aldermen may hold a Court.

V. *And be it further Enacted by the Authority aforesaid*, That one of the Coroners to be appointed in and for the County of *Albany*, shall forever hereafter be a Citizen of the said City, and that such Coroner so being a Citizen of the said City, shall be the sole Coroner in and for the said City.

One of the Coroners of the County of *Albany*, always to be a Citizen of the said City.

Provided always, That nothing in this Act contained, shall be construed to alter, change or abolish the Right granted in and by the said Charter, to the Mayor of the said City, to grant Licences to Tavern-Keepers, and others who sell Liquors in the said City, in the Manner directed and declared in and by the said Charter, or to affect, alter, abridge or extend any Right or Privilege granted in and by the said Charter, other than those in and by this Act particularly mentioned, as altered, abrogated or abolished.

This Act not to extend to Licences to Tavern-Keepers in the City.

CHAP. LXIV.

An ACT *for the Relief of Persons who were in Exile during the late War, in Respect to the Payment of certain Arrears of Taxes.*

Obsolete.

Passed 22d March, 1787.

CHAP. LXV.

An ACT *for the speedy Trial and Punishment of such Persons as shall commit any Offences under the Degree of Grand Larceny.*

Passed 24th March, 1787.

I. BE *it Enacted by the People of the State of* New-York, *represented in Senate and Assembly, and it is hereby Enacted by the Authority of the same*, That every Person who shall, after the passing of this Act, be guilty of the felonious or fraudulent taking and carrying away of the meer personal Goods of another, of the Value of *Five Pounds*, lawful Money of this State, or under, (except in such Cases where the Offence is or shall be by Law punishable with Death) shall be deemed and adjudged to be guilty of Petty Larceny only; and being thereof duly convicted, by Verdict or Confession, on Indictment in the Supreme Court, Court of Oyer and Terminer or Gaol Delivery, or Court of General Sessions of the Peace, of the City or County in which such Offence shall have been committed, shall suffer such corporal Punishment, (not extending to Life or Limb) as the same Court in which such Conviction shall take Place, in their Discretion, shall think proper to award; and if such corporal Punishment shall be by whipping, it shall not exceed Thirty-nine Lashes in one Day.

What shall be Petty Larceny.

How to be punished.

II. AND

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Obtaining Monies or Goods by falſe Pretences, puniſhed as Petit Larceny.

II. AND *whereas* evil-diſpoſed Perſons do frequently go to Shops, Stores and other Places within this State, and purchaſe, or take up Monies, Goods or Merchandize of various Kinds, in the Name of other Perſons, without their Knowledge or Conſent; For Prevention and Puniſhment whereof, *Be it further Enacted by the Authority aforeſaid*, That if any Perſon or Perſons ſhall, from and after the paſſing of this Act, knowingly and deſignedly, by falſe Pretence or Pretences, obtain from any other Perſon or Perſons, any Monies, Goods or Merchandize, or other Effects whatſoever, with Intent to cheat or defraud ſuch Perſon or Perſons of the ſame, he, ſhe or they ſhall be deemed guilty of an Offence againſt the People of this State; and being thereof duly convicted, in Manner aforeſaid, in any of the Courts aforeſaid, ſhall ſuffer ſuch Puniſhment, as in Caſes of Petty Larceny by this Act is directed to be inflicted.

Perſons charged with Petit Larceny, or other criminal Offences, not giving Bail, to be committed to Gaol;

III. AND *whereas* not only ſeveral diſorderly Perſons, inhabiting in the City and County of *New-York*, but many other vagrant and idle Perſons, paſſing the ſame, from the neighbouring Counties and States, or elſewhere, have often committed divers Miſdemeanors, Breaches of the Peace, and other criminal Offences aforeſaid, under the Degree of Grand Larceny, and not being able to procure Bail, to appear at the General Seſſions of the Peace, then next to be held in and for the ſaid City and County, and having no Subſtance of their own, have been a great Expence to the Inhabitants thereof, in maintaining them in the mean while in Gaol; For Remedy whereof, *Be it further Enacted by the Authority aforeſaid*, That every Perſon who ſhall, after the paſſing of this Act, commit any of the Offences in this Act above-mentioned and deſcribed, within the ſaid City and County of *New-York*, and who being apprehended and brought before the Mayor, Recorder, or any one of the Aldermen of the ſaid City, and charged on Oath with having committed any of the Offences aforeſaid, ſhall not forthwith give good and ſufficient Bail for his or her Appearance at the then next General Seſſions of the Peace, to be held in and for the ſaid City and County of *New-York*, then and there to anſwer the Offence or Offences which he or ſhe ſhall be charged with, ſuch Perſon ſo charged ſhall be committed to the common Gaol of the ſaid City and County. And in Caſe any Perſon ſhall be ſo committed, and being kept in the ſaid Gaol for the Space of *Forty-eight Hours* from and after ſuch Commitment, ſhall not give good and ſufficient Bail for his or her Appearance at the then next General Seſſions of the Peace, to be held in and for the ſaid City and County of *New-York*, then and there to anſwer for the Offence or Offences wherewith he or ſhe ſhall be charged; then and in every ſuch Caſe, it ſhall and may be lawful to and for the Mayor, Recorder and Aldermen of the ſaid City for the Time being, or any three of them, of whom the Mayor or Recorder to be one, forthwith to hear and determine the Offence or Offences committed by ſuch Offender as aforeſaid. And the ſaid Offender being convicted by Confeſſion, or the Oath of one or more credible Witneſs or Witneſſes, the ſaid Mayor, Recorder and Aldermen, or the major Part of ſuch of them as do appear in ſuch Court, are hereby further authoriſed and empowered to give Judgment againſt the ſaid Offender ſo convicted as aforeſaid, to have and receive ſuch corporal Puniſhment (not extending to Life or Limb, nor exceeding *Thirty-nine* Laſhes in one Day as aforeſaid) as they, in their Diſcretion, ſhall think proper; and to be confined in the Houſe of Employment or Bridewell of the ſaid City, to be kept at hard Labour therein, or at any Work or Employment within any Part of the ſaid City and County, for any longer or ſhorter Period, according to the Nature of the Offence; or either of the ſaid Puniſhments, as in the Judgment of the ſaid Court, the Nature of the Offence, and Character of the Offender, ſhall render proper. But that no Perſon ſhall be confined in Manner aforeſaid, by Virtue of this Act, for any Term longer than *ſix Months*.

And being committed 48 Hours, may be tried by the Mayor or Recorder, and any two Aldermen.

If convicted, to receive corporal Puniſhment,

And to be confined to hard Labour;

Or either of them.

And

And after the ſaid Offender ſhall have received his or her Puniſhment, being an Inhabitant of the ſaid City and County, ſhall be immediately diſcharged without paying any Fees; but not being ſuch an Inhabitant, he or ſhe ſhall immediately be ordered or tranſported out of the ſaid City and County, to his or her laſt Place of Settlement or Abode, if known. And if any Perſon or Perſons having been ſo ordered or tranſported out of the ſaid City and County as aforeſaid, ſhall remain in the ſame for the Space of *Forty-eight* Hours, or return thereto within *ſix* Calendar Months after ſuch Order or Tranſportation, ſuch Perſon or Perſons ſo remaining or returning, ſhall be forthwith apprehended, and again receive ſuch corporal Puniſhment (not extending to Life or Limb, nor exceeding *Thirty-nine* Laſhes in one Day as aforeſaid) or be confined in Bridewell for ſo long a Time, not exceeding *three* Months, as the ſaid Mayor, Recorder and Aldermen, or any three of them, as aforeſaid, in their Diſcretion, ſhall order and direct.

Mayor or Recorder preſiding, to iſſue Warrant for Execution.

IV. *And be it further Enacted by the Authority aforeſaid*, That in order to carry the Sentences or Judgments of ſuch reſpective Courts, of the Mayor or Recorder and Aldermen, into immediate and effectual Execution, it ſhall and may be lawful for the Mayor or Recorder, preſiding at ſuch Court, by Warrant or Order under his Hand and Seal, directed to the Sheriff of ſaid City and County, to command the ſame Sheriff, and the ſame Sheriff is hereby directed and required, to cauſe the Sentences or Judgments of ſuch reſpective Courts, of the Mayor or Recorder, and Aldermen, to be carried into effectual Execution, at the Time, and in the Manner in the reſpective Warrants or Orders to be ſpecified, according to the true Intent thereof: And the Deputy Sheriffs, Conſtables and Marſhals, and every of them, are, by this Act, commanded and required, from Time to Time, to aid and aſſiſt ſuch Sheriff, or Deputy Sheriffs, in the Execution of ſuch reſpective Warrants or Orders.

How Charges to be paid.

V. *And be it further Enacted by the Authority aforeſaid*, That the Charges of proſecuting and puniſhing every ſuch Offender as aforeſaid, in the Manner above mentioned, ſhall be raiſed, levied and paid, in the ſame Manner, and at the ſame Time that Money is raiſed in the ſaid City and County, for the Maintenance of the Poor, and the other contingent Expences ariſing in the ſaid City and County; ſo as the whole Charge for proſecuting and puniſhing each ſuch Offender, ſhall not exceed the Sum of *Twenty Shillings*.

Perſons accuſed, and giving Bail, to be tried at the next General Seſſions.

VI. *And be it further Enacted by the Authority aforeſaid*, That if any Perſon, who ſhall be charged with an Offence by this Act, intended to be puniſhed, and being apprehended for the ſame, ſhall, within the Time allowed by this Act for that Purpoſe, give good and ſufficient Bail for his or her Appearance at the then next General Seſſions of the Peace, to be held in and for the ſaid City and County, then and there to anſwer the Offence or Offences he or ſhe ſhall be charged with, then and in ſuch Caſe, the ſaid Seſſions ſhall take Cognizance of the ſame; and on ſuch Offender being indicted and convicted, ſhall give ſuch Judgment, as the ſaid Mayor, Recorder and Aldermen might have given, in Caſe the ſaid Offender had been tried and convicted by them, as before mentioned: Which ſaid Judgment the ſaid Court ſhall cauſe to be put in Execution, by Order, under the Hand of the Clerk of the ſame Court, in like Manner, as the Judgment of the Mayor, Recorder and Aldermen, is directed to be executed. And after the Offender ſhall have received his or her Puniſhment, he or ſhe ſhall be immediately diſcharged as aforeſaid.

Perſons charged with ſuch Offences in any *other* County than *New-York*, how to be tried and puniſhed.

VII. *And be it further Enacted by the Authority aforeſaid*, That if any Perſon ſhall, after the paſſing of this Act, commit any of the Offences in this Act above mentioned and deſcribed, within any of the Counties of this State, and

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be apprehended and brought before any Juſtice of the Peace of the ſaid County, and charged on Oath with having perpetrated any of the Offences aforeſaid, and thereupon committed for the ſame to the common Gaol of the County, or to the Cuſtody of the Conſtable of the Town or Place where ſuch Offender ſhall be taken, and be kept in the ſaid Gaol, or in the Cuſtody of ſuch Conſtable as aforeſaid, the full Space of *Forty-eight* Hours, from and after ſuch Commitment, ſhall not give good and ſufficient Bail for his or her Appearance at the then next General Seſſions of the Peace, to be held in and for the County where ſuch Offender ſhall be in Cuſtody, then and there to anſwer the Offence or Offences wherewith he or ſhe ſhall be charged as aforeſaid, then and in ſuch Caſe, it ſhall and may be lawful to and for the Juſtices of the Peace who committed ſuch Offender, to certify the Cauſe of ſuch Commitment to two other Juſtices of the Peace in the ſaid County, and require them, by Virtue of this Act, to aſſociate themſelves with him, which they are hereby required to do. And the ſaid Juſtices being met, are hereby authoriſed and empowered forthwith to hear and determine the Offence or Offences committed by ſuch Offender. And the ſaid Offender being convicted by Confeſſion, or by Oath of one or more credible Witneſs or Witneſſes, the ſaid Juſtices, or any two of them agreeing, are hereby further authoriſed and empowered, to give Judgment againſt the ſaid Offender ſo convicted as aforeſaid, to have and receive ſuch corporal Puniſhment (not extending to Life or Limb, nor exceeding Thirty-nine Laſhes in one Day as aforeſaid) as they, in their Diſcretion, ſhall think proper; and by their Warrant directed to the Conſtable of the Town or Place where ſuch Juſtices ſhall hear and determine the ſaid Offence or Offences (who is hereby directed and required to execute the ſame) ſhall cauſe their ſaid Judgment to be put in Execution: And after ſuch Offender ſhall have received his or her Puniſhment, being an Inhabitant of ſuch County, ſhall be immediately diſcharged without paying any Fees; but not being ſuch an Inhabitant, he or ſhe ſhall be ordered or tranſported, by Warrant from the ſaid Juſtices, to the Place of his or her laſt Settlement or Abode, if known; which Warrant the ſaid Juſtices are hereby empowered and directed to iſſue. *And further*, That nothing in this Act contained, ſhall be conſtrued to prevent the Juſtices from trying any ſuch Offender, in leſs than Forty-eight Hours, if he or ſhe ſhall require the ſame. *And further*, That if any Perſon having been ſo ordered or tranſported out of ſuch County, ſhall remain in the ſame County, for the Space of *Forty-eight* Hours, or return thereto within *ſix* Calendar Months after ſuch Order or Tranſportation, ſuch Perſon ſo remaining or returning, ſhall be forthwith apprehended, and again receive ſuch corporal Puniſhment (not extending to Life or Limb, nor exceeding *Thirty-nine* Laſhes in one Day as aforeſaid) as three Juſtices of the Peace in the ſame County, aſſembled for that Purpoſe, or any two of them, ſhall, in their Diſcretion, think proper; and ſo from Time to Time, as often as ſuch Perſon or Perſons ſhall ſo remain or return.

How Charges of Proſecution to be paid.

VIII. *And be it further Enacted by the Authority aforeſaid*, That the Charges of proſecuting, puniſhing and tranſporting every ſuch Offender, ſhall be defrayed by the reſpective Counties where the ſame Offence ſhall happen, and ſhall be raiſed, levied and paid in the ſame Manner, and at the ſame Time, that Money is raiſed for the Payment of the other contingent Charges of ſuch reſpective Counties, ſo as the whole Charges for each ſuch Offender, ſhall not exceed the Sum of *Forty Shillings*.

Juſtices, or Court, may impoſe a Fine inſtead of corporal Puniſhment.

IX. *And be it further Enacted by the Authority aforeſaid*, That the Juſtices, or Court, before whom any Perſon ſhall be convicted of any of the Offences aforeſaid, ſhall be, and hereby are empowered, if they think it proper, in Lieu of corporal Puniſhment, to impoſe a Fine on ſuch Offender, not exceeding the

the Sum of *Ten Pounds;* which Fine, or ſo much thereof as ſhall be ſufficient, ſhall be applied towards the Payment of the Charges of the Proſecution, and the Remainder, if any be, ſhall be paid to the Treaſurer of the County where the ſame ſhall be impoſed, for the Uſe of the ſame County; any Thing in this Act contained to the Contrary notwithſtanding.

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X. *Provided always, and be it further Enacted by the Authority aforeſaid,* That the Perſon or Perſons from whom any Monies, Goods, Merchandize or Effects, ſhall have been taken, or fraudulently obtained, contrary to the true Intent and Meaning of this Act, ſhall have ſuch Remedy, by Suit at Law therefore, as he, ſhe or they might have had if this Act had never been made; any Thing herein contained to the Contrary in any wiſe notwithſtanding.

Perſons loſing Goods, &c. may have their Remedy at Law.

CHAP. LXVI.

An ACT *for the more effectual Puniſhment of Perſons who ſhall be guilty of the Treſpaſſes therein mentioned, in the Cities of* New-York, Albany *and* Hudſon, *and the Townſhip of* Schenectady.

Paſſed 24th March, 1787.

Preamble.

WHEREAS evil-minded Perſons have often broken, taken down or carried away, the Glaſs Lamps hung out or fixed up before the Dwelling-Houſes of many of the Inhabitants, and in the Streets of the City of *New-York*, to illuminate the Streets aforeſaid in the Night Time, or have extinguiſhed the Lights therein, and have alſo been guilty of breaking Glaſs Windows, Porches and Knockers of Doors in the ſaid City, and in the Cities of *Albany* and *Hudſon*, and Townſhip of *Schenectady*, and of committing other Treſpaſſes and Enormities, injurious to the Property of the Inhabitants, and to the Diſturbance of the Peace in the ſaid reſpective Cities and Townſhip; For Prevention whereof in future,

Penalty on Perſons breaking Lamps.

I. *Be it Enacted by the People of the State of* New-York, *repreſented in Senate and Aſſembly, and it is hereby Enacted by the Authority of the ſame,* That if any Perſon ſhall, after the paſſing of this Act, wilfully break, take down or carry away, any Glaſs Lamp already hung or fixed, or hereafter to be ſo hung or fixed as aforeſaid, in any of the Streets of the ſaid Cities or Townſhip, or extinguiſh the Lights therein, or be aiding or abetting in the ſame, or ſhall wilfully break or deface any Glaſs Window, Porch, Knocker or other Fixture, in any of the ſaid Cities or Townſhip, and ſhall thereof be convicted, before the Mayor, Recorder or any one of the Aldermen of the ſaid Cities reſpectively, or before any Juſtice of the Peace reſiding in the Townſhip aforeſaid, either by the Confeſſion of the Party, or by the Oath of one or more credible Witneſs or Witneſſes, he or ſhe ſhall, for every ſuch Offence, forfeit a Sum not exceeding *Ten Pounds*, lawful Money of this State; to be recovered with Coſts, and levied by Diſtreſs and Sale of the Goods and Chattels of every ſuch Offender, by Warrant under the Hand and Seal of ſuch Mayor, Recorder, Alderman or Juſtice before whom ſuch Offender ſhall be convicted; one Moiety of which Forfeiture, when recovered, to be paid to the Treaſurer or Chamberlain of the ſaid Cities reſpectively, for the Time being, to be applied for the Purpoſes of providing new Lamps, in the Room of ſuch as ſhall be ſo taken out or carried away, and for repairing ſuch of them as ſhall be broken or injured as aforeſaid, and for the Support and Maintenance of the Poor of ſuch reſpective Cities or Townſhip, where ſuch Offences ſhall be committed; and the other Moiety of ſuch Forfeiture to be paid to the Perſon or Perſons who ſhall proſecute for the ſame to Effect.

How to be recovered and applied.

II. *And*

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On Refuſal of Payment, Offenders to be committed to Bridewell or Gaol.

II. *And be it further Enacted by the Authority aforeſaid*, That upon Refuſal of Payment of ſuch reſpective Forfeiture or Forfeitures, and Want of ſufficient Diſtreſs whereon the ſame can be levied, it ſhall and may be lawful for ſuch Mayor, Recorder, Alderman or Juſtice of the Peace, before whom ſuch Conviction or Convictions ſhall take Place, by Warrant under his Hand and Seal, to commit every ſuch Offender, if convicted in the City of *New-York*, to the Bridewell, or Houſe of Employment of the ſaid City; if convicted in the Cities of *Albany* or *Hudſon*, to the common Gaol of the ſame Cities reſpectively; and if convicted in the Townſhip of *Schenectady* aforeſaid, to the common Gaol of the City and County of *Albany*; there to remain, without Bail or Mainpriſe, for the Space of *two* Months, or until ſuch Forfeiture and Coſts are paid. And if any ſuch Offence ſhall be committed by any Apprentice, Servant or Slave, ſuch Forfeiture ſhall be paid by his or her Maſter, Miſtreſs or Owner, or in Default thereof, ſuch Apprentice, Servant or Slave, ſhall be committed to ſuch Bridewell or Gaol, in Manner aforeſaid.

Offenders unknown, to be detained until their Names are diſcovered, or the next Morning.

III. AND *whereas* the Miſchiefs aforeſaid are generally committed in the Night Time, when the Offenders cannot be eaſily known; in order, therefore, to carry this Act into Effect, *Be it further Enacted by the Authority aforeſaid*, That it ſhall and may be lawful to and for any Sheriff, Deputy Sheriff, Conſtable, Marſhal or Watchman of the ſaid Cities and Townſhips aforeſaid, who ſhall ſee any Perſon commit any of the Miſchiefs or Treſpaſſes, in either of the Cities or the Townſhip aforeſaid, if ſuch Perſon or Perſons ſhall be unknown to ſuch Sheriff, Deputy Sheriff, Conſtable, Marſhal or Watchman, to ſeize, ſecure and detain ſuch Offender ſo unknown to him as aforeſaid, until he can diſcover the Name of ſuch Offender, or until the next Morning, if the Offence ſhall be committed in the Night Time, and the Offender ſhall refuſe to diſcover his or her Name, when ſuch Offender ſhall be brought before the Mayor, Recorder or one of the Aldermen of the ſaid Cities reſpectively, or Juſtice of the Peace reſiding in the Townſhip aforeſaid, who, on Conviction of ſuch Offender, ſhall proceed againſt him or her in the Manner herein before directed. *And further*, In Caſe any Perſon ſhall commit any or either of the Offences aforeſaid, in the Preſence of any ſuch Sheriff, Deputy Sheriff, Conſtable, Marſhal or Watchman, that then every ſuch Sheriff, Deputy Sheriff, Conſtable, Marſhal or Watchman, ſhall forthwith give Information thereof to ſuch Mayor, Recorder, Alderman or Juſtice of the Peace, in order that ſuch Offender may be convicted thereof, and puniſhed in Manner and Form as by this Act is directed.

This Act not to preclude any Perſon from recovering his Damages.

IV. *And be it further Enacted by the Authority aforeſaid*, That this Act, or any Thing herein contained, ſhall not bar or preclude any Perſon or Perſons from recovering his, her or their Damages, againſt any other Perſon or Perſons, who ſhall be guilty of any of the Miſchiefs or Treſpaſſes aforeſaid; but that the ſame may be recovered in the ſame Manner, as if this Act had never been paſſed.

All Perſons preſent to be deemed guilty, unleſs they give Evidence,

Or excuſe themſelves on Oath.

V. *And be it further Enacted by the Authority aforeſaid*, That every Perſon who ſhall or may be preſent when any of the Miſchiefs or Treſpaſſes in this Act mentioned, ſhall be committed, ſhall be deemed to be guilty thereof, and be ſubject to the Penalties inflicted by this Act, although he or ſhe ſhall not be aiding, abetting or aſſiſting therein, unleſs ſuch Perſon ſhall give Evidence, whereby to convict the Perſon or Perſons really guilty thereof; or unleſs he or ſhe ſhall declare, upon Oath, that he or ſhe came there accidentally, and that he or ſhe doth not know who the Offender or Offenders is or are.

Parties informing againſt others, not fineable.

VI. AND for the more eaſy Diſcovery and Detection of ſuch Offenders; *Be it further Enacted by the Authority aforeſaid*, That if two or more Perſons ſhall have been jointly concerned in committing any of the Offences aforeſaid, and

and one or more of them (not being before informed againſt) ſhall, within the Space of one Month after the Offence committed, inform againſt any, or all the other or others concerned in the ſame Offence, ſo as to convict him, her or them, the Perſon ſo informing ſhall not be liable to the Payment of the Forfeiture herein before mentioned, but ſhall, notwithſtanding his or her Offence, be entitled to the Reward herein before allowed to Informers; any Thing herein before contained to the Contrary thereof in any wiſe notwithſtanding.

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CHAP. LXVII.

An ACT *giving further Powers to Aſſignees of the Eſtates of inſolvent Debtors.*

Obſolete.

Paſſed 24th March, 1787.

CHAP. LXVIII.

An ACT *to enable the Mayor, Recorder and Aldermen of the City of* New-York, *to order the raiſing Monies by Tax, for the Maintenance of the Poor, and for defraying the other contingent Expences ariſing in the ſame City and County, and for other Purpoſes.*

Obſolete.

Paſſed 26th March, 1787.

CHAP. LXIX.

An ACT *directing a Mode of Trial, and allowing of Divorces in Caſes of Adultery.*

Paſſed 30th March, 1787.

Preamble.

WHEREAS the Laws at preſent in being within this State, reſpecting Adultery, are very defective, and Applications have, in Conſequence, been made to the Legiſlature, praying their Interpoſition: *And whereas* it is thought more adviſeable for the Legiſlature to make ſome general Proviſion in ſuch Caſes, than to afford Relief to Individuals, upon their partial Repreſentations, without a juſt and conſtitutional Trial of the Facts:

Mode of proceeding in Caſes of Adultery.

I. *Be it therefore Enacted by the People of the State of* New-York, *repreſented in Senate and Aſſembly, and it is hereby Enacted by the Authority of the ſame,* That it ſhall and may be lawful, in all Caſes of Adultery that have already been committed, or may hereafter be committed, where the Parties are Inhabitants of this State, for the Party injured to exhibit or preſent a Petition or Bill to the Chancellor of this State for the Time being, in Chancery, ſetting forth the Adultery of which he or ſhe complains. Whereupon a Subpœna, and other Proceſs ſhall iſſue, as in other Cauſes in the ſaid Court, until the Party complained of ſhall appear and anſwer the Allegations of the ſaid Bill or Petition, which anſwer ſhall be received without Oath; and if the Party complained of ſhall, by his or her Anſwer, deny the Fact or Facts of Adultery ſtated in the ſaid Bill or Petition, the Chancellor ſhall and may thereupon direct ſuch proper Iſſue or Iſſues, as to him ſhall ſeem expedient for Trial of the Fact or Facts of Adultery ſtated in the ſaid Bill or Petition, which Iſſue or Iſſues ſhall be tried, either by a ſpecial or common Jury, before the Judges of the Supreme Court, or ſome or one of them, at the Bar of the ſaid Court, or at any Circuit Court within this State, as the Chancellor for the Time being, ſhall direct. But if the ſaid Party complained of ſhall not, in his or her ſaid Anſwer, deny the Allegations of the ſaid Bill or Petition, or if ſuch Proceedings ſhall be had in the ſame Court of Chancery, that the ſaid Bill or Petition ought, according to the Courſe of that Court, to be taken *pro Confeſſo*, then, and in either of the ſaid Caſes, the Chancellor ſhall nevertheleſs direct Proof to be made before one of the Maſters of the ſaid Court, of the Facts

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ſtated in the ſaid Bill or Petition, who ſhall report the ſame Proofs, and his Opinion thereon, to the Chancellor, at ſuch Time as ſhall be by the ſaid Court of Chancery for that Purpoſe appointed.

If Adultery be found or proved,

II. *And be it further Enacted by the Authority aforeſaid*, That if by the Verdict of a Jury, upon Trial of ſuch Iſſue or Iſſues as aforeſaid, it ſhall appear or be found that the ſaid Party complained againſt was guilty of Adultery, or if ſufficient Proof has been thereof had in the Manner herein before preſcribed, where the Fact or Facts ſtated in ſuch Bill or Petition as aforeſaid, have been confeſſed by the Anſwer of the Party complained againſt, or ought, according to the Courſe of the ſaid Court of Chancery, to be taken *pro Confeſſo*, then, and in any ſuch Caſe, the Chancellor ſhall and may proceed, by Sentence or Decree in the ſame Court, to pronounce the Marriage between the ſaid Parties to be diſſolved, and both of them freed from the Obligations of the ſame: *Provided*, That ſuch Diſſolution of ſuch Marriage, ſhall in no wiſe affect the Legitimacy of the Children thereof. And the Chancellor ſhall and may thereupon take ſuch Order touching the Care and Maintenance of the Children (if any there be) of that Marriage, and alſo touching the Maintenance of the Wife, or any Allowance to be made to her, and the Security to be given for the ſame, as from the Circumſtances of the Parties, and the Nature of the Caſe, may be proper and ſufficient.

Chancellor to declare Marriage diſſolved,

And take Order for Maintenance of Wife and Children.

Perſons convicted, not to marry again.

III. *And be it further Enacted by the Authority aforeſaid*, That after the Diſſolution of any Marriage has been pronounced by Virtue of this Act, it ſhall not be lawful for the Party convicted of Adultery, to re-marry any Perſon whatſoever; and that every ſuch Re-Marriage ſhall be null and void; but that the other Party may make and complete another Marriage, in like Manner as if the Party convicted was actually dead; any Law, Uſage or Cuſtom to the Contrary thereof in any wiſe notwithſtanding.

CHAP. LXX.

Obſolete.

An ACT *for collecting the Arrears of Taxes in* Newtown, *in* Queen's *County, and for diſcharging the late Collector from Impriſonment.*

Paſſed 4th April, 1787.

CHAP. LXXI.

‡ 6*th Seſſ. Ch.* 31.

An ACT *to repeal Part of an Act, entitled,* ‡ *An* Act *for granting a more effectual Relief, in Caſes of certain Treſpaſſes.*

Paſſed 4th April, 1787.

Preamble.

BE *it Enacted by the People of the State of* New-York, *repreſented in Senate and Aſſembly, and it is hereby Enacted by the Authority of the ſame*, That ſo much of the Act aforeſaid, as is contained in the Words following, *to wit: And if any ſuch Action ſhall be brought in any Inferior Court within this State, the ſame ſhall be finally determined in ſuch Court; and every ſuch Action ſhall be conſidered as a tranſitory Action. That no Defendant or Defendants ſhall be admitted to plead in Juſtification, any Military Order or Command whatever, of the Enemy, for ſuch Occupancy, Injury, Deſtruction, Purchaſe or Receipt, nor to give the ſame in Evidence on the General Iſſue*, be, and the ſame is hereby repealed.

CHAP.

CHAP. LXXII.

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An ACT *for preventing Suits being brought in the Supreme Court, for any Debt or Sum not exceeding* One Hundred Pounds.

Passed 5th April, 1787.

Preamble.

WHEREAS there now are, and long have been, Courts of Record in each of the respective Cities and Counties of this State, where such as have Occasion to sue for Debts or Wrongs, may, with small Expence, receive Justice according to the Merits of their Causes: *And whereas* the Prosecution of Suits in the Supreme Court of this State, is necessarily attended with great Charge and Trouble, as well as loss of Time to the Suitors, who in many Instances, live at Places remote from the said Court; Therefore,

If the Plaintiff does not recover above 20l. he shall pay Costs to the Defendant.

I. *Be it Enacted by the People of the State of* New-York, *represented in Senate and Assembly, and it is hereby Enacted by the Authority of the same*, That if in any personal Action or Suit already commenced, and now depending, or hereafter to be commenced and prosecuted in the said Supreme Court, the Plaintiff shall not recover above the Sum of *Twenty Pounds*, besides Costs, then, and in every such Case, the Plaintiff shall not be entitled to, or recover any Costs of Suit, but shall pay Costs to the Defendant, thereupon to be taxed; and the Defendant shall, in such Case, have Judgment and Execution for such Costs, in the same Manner as if a Verdict had been given for such Defendant. *And further*, That if in any personal Action or Suit already commenced, and now depending, or hereafter to be commenced and prosecuted in the said Supreme Court, the Plaintiff or Plaintiffs shall recover a Judgment in such Suit or Action, in his, her or their Favour, for a Debt or Sum, which, exclusive of Costs, shall be upwards of *Twenty Pounds*, and not exceed *One Hundred Pounds*, then, and in every such Case, the Plaintiff or Plaintiffs shall be entitled to, and recover no more or other Costs than he, she or they would have been entitled to, if such Suit or Action had been commenced and determined in any Mayor's Court, or Court of Common Pleas in this State. *Provided always*, That such Costs shall not exceed the Sum of *Ten Pounds: And Provided also*, That in all Cases where any Suit or Action commenced, in either of the Mayor's Courts, or Courts of Common Pleas, hath been or shall be removed into the Supreme Court, by or at the Instance of the Defendant, if the Plaintiff shall obtain a Judgment therein, for any Sum exceeding *Ten Pounds*, besides Costs, then the Plaintiff, in every such Case, shall have and recover Costs of Suit in the said Supreme Court, together with the Costs in such Mayor's Court, or Court of Common Pleas, including all such Expences as the same Plaintiff shall have been put to in the Prosecution of such Suit.

If he recovers upwards of 20l. and under 100l. he shall recover *Common Pleas* Costs only,

Not exceeding 10l.

But if the Cause be removed into the Supreme Court, and the Plaintiff recovers above 10l. he shall recover full Costs.

No personal Action to be removed into the Supreme Court, where the Demand does not exceed 100l.

II. *And be it further Enacted by the Authority aforesaid*, That no personal Action or Suit now depending, or hereafter to be commenced in any Mayor's Court, or Court of Common Pleas in this State, upon any Bond or Specialty, or for any other Matter, Cause or Thing whatsoever, where the Sum mentioned in the Condition of such Bond or Specialty, with the Interest thereof, or the Matter or Thing in Demand, Suit or Controversy, shall not exceed the Sum of *One Hundred Pounds*, current Money of this State, shall be stayed or removed into the Supreme Court, by any Writ of *Habeas Corpus*, *Certiorari*, or other Writ or Process whatsoever, other than Writs of Error or Attaint.

No *Habeas Corpus* to be received after interlocutory Judgment, or a Juror sworn to try the Cause.

III. *And be it further Enacted by the Authority aforesaid*, That no Writ or Writs of *Habeas Corpus*, or any other Writ or Writs, sued forth or to be sued forth, by any Person or Persons whomsoever, out of the said Supreme Court, to remove any Action, Suit, Plaint or Cause, depending or to be depending in any Mayor's Court, or Court of Common Pleas in this State, shall be received

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received or allowed by the Judge or Judges, Officer or Officers, of the Court wherein or to whom any ſuch Writ or Writs ſhall be directed or offered to be delivered; but that he and they ſhall and may proceed in the ſaid Cauſe or Cauſes, as though no ſuch Writ or Writs were ſued forth or delivered to him or them, unleſs the ſaid Writ or Writs be delivered to the Judge or Judges, Officer or Officers, of the ſaid Court, before any interlocutory or other Judgment entered in the ſaid Cauſe, and before that the Jury which is to try the Cauſe in Queſtion, between the Party or Parties Plaintiffs, and the Party or Parties that ſued forth the ſaid Writ or Writs, or for whoſe Benefit the ſaid Writ or Writs is or ſhall be ſued forth, have appeared, and one of the ſaid Jury ſworn to try the ſaid Cauſe.

No Cauſe to be again removed after *Procedendo.*

IV. *And be it further Enacted by the Authority aforeſaid,* That if any Action, Suit, Bill, Plaint or Cauſe, which is or ſhall hereafter be brought, commenced or depending in any of the Mayor's Courts, or Courts of Common Pleas in this State, ſhall be removed or ſtayed by any ſuch Writ or Writs, or Proceſs, to be ſued forth or out of the ſaid Supreme Court, and the ſame Action, Suit, Bill, Plaint or Cauſe, ſhall afterwards be remanded or ſent back again, by any Writ or Writs of *Procedendo*, or other Writ whatſoever, that then the ſaid Action, Suit, Bill, Plaint or Cauſe, ſhall never afterwards be removed or ſtayed before Judgment, by any Writ or Writs whatſoever, to be ſued forth or out of the ſaid Supreme Court.

Writs for removing Cauſes, to be ſigned by a Juſtice of the Supreme Court.

V. *And be it further Enacted by the Authority aforeſaid,* That no Writ of *Habeas Corpus* or *Certiorari*, or other Writ or Proceſs whatſoever, ſhall be granted or ſued forth, or out of the ſaid Supreme Court, to remove any Action, Suit, Bill, Plaint or Cauſe whatſoever, out of any of the Mayor's Courts, or Courts of Common Pleas in this State, unleſs the ſame Writ or Proceſs be ſigned with the proper Hand of one of the Juſtices of the ſaid Supreme Court.

Writs contrary to this Act, not to be obeyed.

VI. *And be it further Enacted by the Authority aforeſaid,* That if any Writ or Writs whatſoever, ſhall be granted or ſued forth, or out of the ſaid Supreme Court, contrary to the true Intent and Meaning of this Act, that then it ſhall and may be lawful to and for the Judge or Judges, Officer or Officers, to whom ſuch Writ or Writs ſhall be directed or delivered, to diſallow and refuſe the ſame; and they are hereby directed and required to proceed, as if no ſuch Writ or Writs had been granted or ſued out or forth as aforeſaid.

Courts of Common Pleas to try all tranſitory Actions,

And no foreign Plea to be allowed.

Altered as to the Mayor's Courts of Albany *&* Hudſon, *12th Seſſ. Ch.* 17.

VII. *And be it further Enacted by the Authority aforeſaid,* That all tranſitory Actions and Suits now depending, or hereafter to be brought, commenced or proſecuted in any of the Mayor's Courts, or Courts of Common Pleas in this State, may be heard, tried and determined therein, although the real Cauſe of Action did not ariſe within the City or County where ſuch Action or Suit is or ſhall be brought or commenced; and that the ſaid Courts ſhall not admit or allow of any foreign Plea in any ſuch Caſe, to quaſh, bar or ſtay any ſuch Suit or Action; but proceed to hear, try and determine the ſame, in ſuch Manner as if the Cauſe of Action had ariſen within the Juriſdiction of the Court where ſuch Suit or Action is or ſhall be ſo brought or commenced; any Law, Uſage or Cuſtom to the Contrary notwithſtanding.

In what Actions this Act ſhall not extend.

VIII. *Provided always, and be it further Enacted by the Authority aforeſaid,* That this Act ſhall not extend to any Suit or Action, wherein the People of the State of *New-York*, are or ſhall be intereſted; nor to any Suit or Action, where Freehold, Inheritance, or Title to Lands or Tenements, ſhall in any wiſe come in Queſtion; nor to Actions of Replevin, or of Aſſault and Battery, or of falſe Impriſonment, or of Slander; nor to any Suit or Action to be

be brought or commenced by or againſt the Mayor, Aldermen and Commonalty of the City of *New-York*, or the Mayor, Aldermen and Commonalty of the City of *Albany*, or the Mayor, Recorder, Aldermen and Commonalty of the City of *Hudſon*.

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CHAP. LXXIII.

An ACT *to remove Doubts reſpecting Judgment Bonds given to the Commiſſioners of Forfeitures, and for other Purpoſes therein mentioned.*

Paſſed 7th April, 1787.

Preamble.

WHEREAS Doubts have ariſen whether the ſaid Commiſſioners can receive in Payment in Diſcharge of ſuch Bonds, the Certificates made receivable on the Sales of ſuch Lands, for ſecuring the Payment whereof, Bonds were taken after the Expiration of the Term or Time expreſſed in the Bonds: For Remedy whereof,

Commiſſioners of Forfeitures to receive Certificates upon Bonds given to them,

I. *Be it Enacted by the People of the State of* New-York, *repreſented in Senate and Aſſembly, and it is hereby Enacted by the Authority of the ſame*, That it ſhall and may be lawful for the ſaid Commiſſioners, at any Time before actual Sale on Execution on any Bond and Judgment as aforeſaid, to receive in Diſcharge of the Debt for which ſuch Bond ſhall have been taken, the ſame Species of Certificates, or other Monies for which the ſaid Lands were ſold, in like Manner as they might have received the ſame before the Expiration of the Term or Time aforeſaid.

And to convey a certain Lot to the *Dutch Church* at *Caghnawaga*.

II. *And be it further Enacted by the Authority aforeſaid*, That it ſhall and may be lawful for the Commiſſioners of Forfeitures for the Weſtern Diſtrict, to convey to the Truſtees of the *Reformed Proteſtant Dutch Church* at *Caghnawaga*, in the County of *Montgomery*, by the Name in which they now are, or ſhall be incorporated, purſuant to the Law of this State in that Caſe made and provided, Lot Number *Forty*, containing Twenty Acres of Land, ſituate in *Butlersbury*, in the ſaid County of *Montgomery*, forfeited to the People of this State by the Attainder of *John Butler*, inſtead of the Twenty Acres of Land directed to be conveyed to the ſaid Truſtees, by the Twenty-fifth Section of the Act, entitled, ‡ *An Act further to amend an Act, entitled, An Act for the ſpeedy Sale of the confiſcated and forfeited Eſtates within this State, and for other Purpoſes therein mentioned*, paſſed the 1ſt of May, 1786.

‡ 9*th Seſſ. Ch.* 58.

Clauſe of a certain Act repealed.

III. *And be it further Enacted by the Authority aforeſaid*, That the ninth Section of the ſaid laſt before recited Act, be, and the ſame is hereby repealed, ſo far forth only, as that no Appointment of any Commiſſioner of Forfeitures, ſhall hereafter be made, unleſs ſuch Commiſſioner in any of the great Diſtricts ſhall be dead, or become incapable of executing the Duties of the Office.

IV. AND WHEREAS *George Fiſher*, late of the City of *New-York*, deceaſed, ſome Time in the Month of *June* laſt, purchaſed from the Commiſſioners of Forfeitures for the Southern Diſtrict of this State, ſeveral Lots of Land in the Out-Ward of the City of *New-York*, forfeited to the People of the State of *New-York*, by the Attainder of *James Delancey*, Eſquire; and paid to the ſaid Commiſſioners, the Sum of *Seven Hundred* and *Fifty-three Pounds*, Part of the Conſideration for the ſame, and executed a Bond for the Payment of the Reſidue thereof: *And whereas* a Judgment hath been obtained on the ſaid Bond, and an Execution iſſued thereon, againſt the Lands and Tenements, Goods and Chattels of the ſaid *George Fiſher*, who hath ſince died inteſtate, leaving ſeveral Children, all Infants: *And whereas* it is repreſented to the

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Legiſlature, that the ſaid *George Fiſher*, at the Time of his making the Purchaſe aforeſaid, was not of ſound Mind, and his Widow, in Behalf of herſelf and the Children of the ſaid *George Fiſher*, hath prayed Relief in the Premiſes; Therefore, *Be it further Enacted by the Authority aforeſaid*, That the Commiſſioners of Forfeitures for the Southern Diſtrict, ſhall cauſe the ſaid Lands ſo purchaſed by the ſaid *George Fiſher*, to be ſold upon and by Virtue of the ſaid Judgment and Execution; and in Caſe the ſame Lands ſhall not ſell for the Sum agreed to be given for the ſame by the ſaid *George Fiſher*, then the ſaid Commiſſioners ſhall cauſe the ſame to be purchaſed for the Uſe of this State, and ſhall then cauſe the ſame Lands to be ſold at public Vendue, for Certificates iſſued or to be iſſued by the Treaſurer of this State, after giving at leaſt *three* Months Notice of ſuch Sale; and the Treaſurer of this State is hereby directed to pay to the Adminiſtrators of the ſaid *George Fiſher*, for the Uſe of his Eſtate, out of any Monies now in the Treaſury, not otherwiſe appropriated, the ſaid Sum of *Seven Hundred* and *Fifty-three Pounds*, being the Sum ſo paid by the ſaid *George Fiſher*.

Commiſſioners of Forfeitures how to diſpoſe of certain Lands purchaſed by *George Fiſher*.

Treaſurer to redeem Bills called the New-Emiſſion,

V. *And be it further Enacted by the Authority aforeſaid*, That it ſhall and may be lawful to and for the Treaſurer of this State, to redeem all ſuch of the Bills of Credit emitted by this State, commonly called Bills of the New Emiſſion, with any Monies which now are in his Hands, and not otherwiſe appropriated. That the ſaid Treaſurer ſhall, with all convenient Speed, cauſe an Advertiſement to be publiſhed in one or more of the News-Papers printed in this State, requiring the Holders of all ſuch Bills to bring the ſame to him for Redemption, on or before the *fifteenth* Day of *June* next; and the Intereſt of all ſuch Bills as ſhall remain in Circulation after the Day laſt aforeſaid, ſhall ceaſe from and after the ſaid *fifteenth* of *June*.

And the Lands appropriated for their Redemption to be ſold.

VI. *And be it further Enacted by the Authority aforeſaid*, That the Commiſſioners of Forfeitures ſhall and may ſell at Vendue, the Lands appropriated to the Redemption of the ſaid Bills, in like Manner as is herein before directed.

Miles Sherbrook permitted to return to this State.

VII. *And be it further Enacted by the Authority aforeſaid*, That *Miles Sherbrook*, late of the City of *New-York*, Merchant, be, and he is hereby permitted to return and remain within this State unmoleſted, until the Legiſlature ſhall make further or other Proviſion in the Premiſes; any Law to the Contrary notwithſtanding.

CHAP. LXXIV.

Obſolete.

An ACT *for the more effectual Recovery of the Arrears of County Taxes, and other Purpoſes therein mentioned.*

Paſſed 7th April, 1787.

CHAP. LXXV.

‡ 9*th Seſſ.* Ch. 50. *Private.*

An ACT *to amend an Act, entitled,* ‡ *An* Act *ſupplementary to an Act to appoint Commiſſioners to ſettle and adjuſt any Differences which may ariſe between the Proprietors of certain Lots in the City of* New-York, *the Buildings whereof were burnt in the Year* 1776, *and for altering the Streets which heretofore were laid out adjoining to ſuch Lots.*

Paſſed 7th April, 1787.

CHAP.

CHAP. LXXVI.

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An ACT *to amend an Act, entitled,* ‡ *An* Act *for the Collection and Commutation of Quit-Rents.*

‡ 9th Sess. Ch. 23.

Passed 11th April, 1787.

Preamble.

WHEREAS sundry Circumstances have intervened which have rendered it impossible for those from whom Quit-Rents were due, to discharge or commute for the same by the Times limited in the Act, entitled, *An* Act *for the Collection and Commutation of Quit-Rents*, passed the 1st Day of *April*, 1786: Therefore,

Further Time given for Payment of Quit-Rent & Commutation.

I. *Be it Enacted by the People of the State of* New-York, *represented in Senate and Assembly, and it is hereby Enacted by the Authority of the same,* That it shall and may be lawful to and for the Treasurer of this State, at any Time between the passing of this Act and the ‖ *first* Day of *May*, One Thousand Seven Hundred and Eighty-eight, to take and receive from any Person, being a Citizen of this State, or of any other of the United States, any Sum or Sums of Money, due and in Arrear for Quit-Rents, or any Sum or Sums of Money in Commutation for annual Quit-Rents, in such public Securities and Certificates as are designated in the first and second Sections of the said Act, and in the Manner thereby directed; and that no Process shall be commenced by the said Treasurer for the Recovery of any Quit-Rents, which may be due or become due to the People of this State, until after the first Day of *May*, One Thousand Seven Hundred and Eighty-eight; any Thing in the said Act to the Contrary hereof notwithstanding.

‖ *Time prolonged,* 11th Sess. Ch. 39 Sec. 2. 12th Sess. Ch. 39.

How Treasurer to give Receipts for Quit-Rents and Commutation paid for Shares of Land.

II. *And be it further Enacted by the Authority aforesaid,* That where Quit-Rents shall be paid for such Shares of Land as are designated in the third Section of the said Act, or that such Shares shall be commuted for, the Treasurer shall, upon such Payment, give the Person making such Payment, a Receipt or Certificate, expressing the Sum so paid, and specifying whether the same be for Quit-Rents due and in Arrear, or for Quit-Rents and Commutation both, and designating the Patent, and the Lot or Lots for which such Payment is made; and if such Payment is for both Arrears of Quit-Rent and Commutation, the Lands so paid for shall never thereafter be subject to Process or Sale, for any Quit-Rents which may at any Time become due from any other Lot or Lots in such Patent; and if such Payment is for Arrears of Quit-Rent only, then the Lands so paid for shall not be subject to Process or Sale, for any Arrears of Quit-Rent which may be due to the Time of such Payment from any other Lot or Lots in such Patent; any Thing in the said Act to the Contrary hereof notwithstanding.

Remedy for Owners of Lands divided into small Shares.

III. And *whereas* Tracts of Land within this State have been so divided and alienated, that many of the present Owners and Proprietors hold less than an original Proprietor's Share, and Difficulties may arise as well with those who may pay the Quit-Rents and commute for their respective Shares, as with the Treasurer to ascertain such Share: For Remedy whereof, *Be it further Enacted by the Authority aforesaid,* That it shall and may be lawful for any three or more of the present Proprietors or Owners of any such Patent or Lands, by Advertisement, to be put up and continued for *ten* Days successively, on any Part of such Lands, to notify and require all Owners and Proprietors of Lands within such Patent, to meet at a Place certain within the same, and at a Day certain to be expressed in such Advertisement, such Day not to be assigned at less than *Twenty* Days from the Date of such Advertisement; and such of the Owners and Proprietors as shall then meet, may proceed, by Plurality of Voices, to chuse two Assessors and one Collector; which Assessors so chosen, shall, within *Twenty* Days thereafter, make an Assessment-

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Aſſeſſment-Roll of the ſeveral Owners and Proprietors of Lands in ſuch Patent, and ſhall enter in ſuch Roll the Sums reſpectively due for Quit-Rents, to the *Twenty-ninth* Day of *September*, One Thouſand Seven Hundred and Eighty-ſeven, from each according to the Proportion and Share which each ſhall have, hold, poſſeſs and enjoy within ſuch Patent, ſo as that the Whole ſhall make up and amount to the Whole of the Quit-Rents which will be due to the People of the State, to the Time herein before mentioned, and ſhall deſignate which Share or Shares have, by Forfeiture to the People of this State, become diſcharged of Quit-Rent, and which Share or Shares are entitled to Remiſſion of Quit-Rents, by this or the ſaid Act, paſſed the *firſt* Day of *April*, 1786. And ſhall alſo ſpecify the Amount of the Commutation for every Share or Shares, ſubject to preſent or future Quit-Rents, to the End that ſuch as incline to commute may be enabled to pay for the ſame to the Collector, and ſhall, in ſeparate Columns, charge each Share or Shares ſubject to Quit-Rents, and for which Commutation may be made, with *ſix per Cent.* to be paid in Specie, on the Amount of the Quit next due, and on the Amount of the Commutation; *Five per Cent.* whereof to go as a Compenſation to the Collector, for his Trouble in collecting and paying the ſame to the Treaſurer of this State, and *One per Cent.* thereof to be paid to the Aſſeſſors for their Trouble in the Execution of their Office. *And further*, That the ſaid Aſſeſſors, before they begin ſuch Aſſeſſment, ſhall take an Oath before a Juſtice of the Peace, well, truly, impartially and in due Proportion, according to the Beſt of their Underſtanding, to aſſeſs and rate the ſeveral Owners and Proprietors of ſuch Patent for which they are choſen Aſſeſſors. *And further*, That the ſaid Aſſeſſors ſhall, within *Ten* Days next after completing ſuch Aſſeſſment-Roll, and having ſigned the ſame, and put their Seals thereto, deliver the ſame unto the Collector ſo choſen as aforeſaid, which ſaid Collector ſhall forthwith collect the ſeveral Sums charged in ſuch Aſſeſſment, for Arrears of Rent and for Commutation, if the Party or Parties are willing to pay ſuch Commutation, in ſuch public Securities as are deſignated in the ſaid Act, paſſed the 1ſt Day of *April*, 1786, together with the ſaid *Six per Cent.* in Specie, on the Arrears of Quit-Rent, and on ſuch Commutation as ſhall be paid, ſo that he pay the ſame (except the *Six per Cent.* as aforeſaid) to the ſaid Treaſurer, on or before the *firſt* Day of *May*, One Thouſand Seven Hundred and Eighty-eight. And if any of the ſaid Owners or Proprietors of ſuch Patent ſhall refuſe, neglect or delay to pay his or her Share or Proportion of the ſaid Rate or Aſſeſſment of Quit-Rent, and the ſaid *five* or *ſix per Cent.* as the Caſe may be, then it ſhall and may be lawful for ſuch Collector, and he is hereby required to collect and levy the ſame by Diſtreſs and Sale of any Goods and Chattels, if any can be found, on the Share or Shares ſo charged, and for which Payment has been refuſed, neglected or delayed, in the ſame Manner as the Collectors of public Taxes are or may be empowered by Law to do, or to proſecute the Defaulter or Defaulters for the ſame, before any one Juſtice of the Peace within the County where ſuch Lands lay, who is hereby authoriſed to hear and determine the ſame. *And further*, If ſuch Collector ſhall not find Goods and Chattels on the Lands in ſuch Share or Shares, whereon to make Diſtreſs, or ſhall not be able to recover ſuch Rate or Aſſeſſment for Quit-Rents, before ſuch Juſtice, then ſuch Collector ſhall, at the Time of his paying the public Securities by him collected unto the ſaid Treaſurer, deliver the Aſſeſſment-Roll to the ſaid Treaſurer, together with an Abſtract of the Names of ſuch as have paid the Quit-Rents only, and the Amount ſo paid by each, together with the Names of ſuch whoſe Lands were diſcharged from Quit-Rents as aforeſaid, and another Abſtract of ſuch as have paid both the Quit-Rents and the Commutation, and the Amount ſo paid by each, and a third Abſtract, containing the Names of the Defaulters, if any there be, and the Sums charged to each for Quit-Rents; all which Abſtracts ſhall be ſworn to as juſt and true, by the ſaid Collector; and the ſaid Treaſurer

ſhall

ſhall thereupon give a proper Receipt at the Foot, or on the Back of the reſpective Abſtracts for which he ſhall have received the Amount for Quit-Rents, or for Quit-Rents and Commutation both, as the Caſe may be, which Receipt for Quit-Rents ſhall exonerate the Perſons named in the Abſtract, from any Demand for Quit-Rents, to the Time for which they were paid; and the Lands ſo paid for, ſhall not be ſubject to Proceſs or Sale for any Quit-Rents then due from any one or more Defaulters; and the Receipt for Quit-Rents and Commutation both, ſhall forever thereafter exonerate and diſcharge the Lands for which they ſhall have been paid, from any Demand on the Part of the People of this State, for Quit-Rents; nor ſhall Proceſs iſſue, or any Sale be hereafter made of ſuch Land ſo paid or commuted for, on Account of any Quit-Rents which may be due from any other Lands in ſuch Patent; any Thing in the ſaid Act to the Contrary hereof notwithſtanding.

Perſons driven from their Habitations exempted from Quit-Rents,

V. AND *whereas* many of the Inhabitants of this State have, during the late War, been driven from their Habitations, by the Incurſions of the Enemy, and thereby have been greatly diſtreſſed; Therefore, *Be it further Enacted by the Authority aforeſaid*, That any Perſon or Perſons having been ſo driven off as aforeſaid, ſhall be, and hereby are diſcharged from paying as well all future Quit-Rents, as thoſe which have already become due to the People of this State, for ſo much Land only, and no more, as was included in the Farm whereon ſuch Perſon or Perſons actually reſided, and from which he or ſhe were driven as aforeſaid. *Provided*, That any Perſon claiming ſuch Exemption, ſhall produce a Certificate, ſigned by one of the Judges of the Court of Common Pleas of the County wherein ſuch Perſon did reſide, ſpecifying that he or ſhe was obliged to quit his or her Farm, on Account of the War, and alſo ſpecifying the Number of Acres which it ſhall appear to ſuch Judge, were contained in ſuch Farm; and provided ſuch Certificate ſhall not intitle any Perſon to a Remiſſion for more than *One Hundred and Fifty Acres*. *And, Provided alſo*, That ſuch Certificate ſhall be delivered to the Aſſeſſors herein before mentioned, where Aſſeſſments ſhall be made, previous to the making of ſuch Aſſeſſment, or to the ſaid Treaſurer, where Quit-Rents ſhall be paid without Aſſeſſment.

Upon producing Certificates.

Treaſurer to tranſmit to County Clerks, a State of Quit-Rents due in their Counties.

VI. *And be it further Enacted by the Authority aforeſaid*, That the Treaſurer of this State ſhall, and he is hereby required, as ſoon as may be after the paſſing of this Act, to tranſmit to the reſpective Clerks of the ſeveral Counties within this State (except to the Clerks of the City and County of *New-York*, the Counties of *King's*, *Queen's* and *Richmond*,) a Schedule of all the Quit-Rents due, or to become due within the County of which he is Clerk, to the Twenty-ninth Day of *September* next, ſpecifying the Date of every Patent, the Names of the Patentees, and the Quantity of Land contained in each Patent, where a Quit-Rent is reſerved per Hundred Acres, and the annual Quit-Rent, where a Quit-Rent in Groſs is reſerved, and where Quit-Rents are reſerved in Kind, to ſpecify the Value in Money, as by the ſaid Act herein referred to is directed.

Parts of the former Act repealed.

VII. *And be it further Enacted by the Authority aforeſaid*, That the tenth, eleventh and fourteenth Sections of the ſaid Act, and the Preamble to the ſaid fourteenth Section, are hereby repealed.

CHAP. LXXVII.

An ACT *for raiſing Monies by Tax.*

Obſolete.

Paſſed 11th April, 1787.

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CHAP. LXXVIII.

An ACT *for the more eaſy Partition of a Tract of Land, called the* Oneida *Purchaſe.*

Paſſed 11th April, 1787.

CHAP. LXXIX.

An ACT *to revive and amend the Acts therein mentioned, relative to a Juriſdiction Line between this State and the Commonwealth of* Maſſachuſetts.

Paſſed 11th April, 1787.

Acts relative to a Juriſdiction Line between this State and *Maſſachuſetts*, revived.
† *8th Seſſ. Ch.* 28.
‡ *9th Seſſ. Ch.* 53.

I. BE *it Enacted by the People of the State of* New-York, *repreſented in Senate and Aſſembly, and it is hereby Enacted by the Authority of the ſame,* That the Act, entitled, † *An* Act *to authorize the United States in Congreſs aſſembled, to appoint Commiſſioners to complete the running a certain Line of Juriſdiction therein mentioned, between this State and the Commonwealth of* MASSACHUSETTS, paſſed the 7th Day of *March*, 1785, and the ‡ Act ſupplementary to the ſaid Act, paſſed the 29th of *April*, 1786, be, and they are hereby reſpectively revived and declared of full Force and Effect, except ſo far forth as reſpects the Time limited by the ſaid firſt recited Act, in which the Commiſſioners therein mentioned were to perform and complete the Survey thereby directed.

Commiſſioners to perform the Service within one Year.

II. *And be it further Enacted by the Authority aforeſaid,* That the ſaid Commiſſioners are hereby authoriſed and empowered, at any Time within the Term of one Year from the 7th Day of *March*, 1787, to do and perform all and ſingular the Services of them required by the ſaid Acts, or either of them.

‖ *10th Seſſ. Ch.* 46.

An Act relative to ſaid Line paſſed this Seſſion, ſuſpended.

III. *And be it further Enacted by the Authority aforeſaid,* That the Act, entitled, ‖ *An* Act *to complete the running a certain Line of Juriſdiction therein mentioned, between this State and the Commonwealth of* MASSACHUSETTS, paſſed at the preſent Meeting of this Legiſlature is hereby ſuſpended until the 8th Day of *March*, 1788, except ſo far forth as reſpects the Appointment of *Simeon De Witt*, Eſquire, as one of the Agents on the Part of this State.

CHAP. LXXX.

Repealed 11th Seſſ. Ch. 73. Sec. 4.

An ACT *to erect the Settlements of* Woodſtock, *and* Great *and* Little Shandaken, *in* Ulſter *County, into a ſeparate Townſhip.*

Paſſed 4th April, 1787.

CHAP. LXXXI.

Obſolete.
See Supplementary Act, 11th Seſſ. Ch. 72.

An ACT *impoſing Duties on Goods and Merchandize imported into this State.*

Paſſed 11th April, 1787.

CHAP. LXXXII.

An ACT *to inſtitute an Univerſity within this State, and for other Purpoſes therein mentioned.*

Paſſed 13th April, 1787.

Preamble.

‡ *7th Seſſ. Ch.* 51.
8th Seſſ. Ch. 15.

WHEREAS by ‡ *two* Acts of the Legiſlature of the State of *New-York*, the one paſſed the firſt Day of *May*, and the other the Twenty-ſixth Day of *November*, One Thouſand Seven Hundred and Eighty-four, an Univerſity is inſtituted within this State, in the Manner, and with the Powers therein

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therein ſpecified: *And whereas*, from the Repreſentation of the Regents of the ſaid Univerſity, it appears that there are Defects in the Conſtitution of the ſaid Univerſity, which call for Alterations and Amendments: *And whereas* a Number of Acts on the ſame Subject, amending, correcting and altering former Ones, tend to render the ſame leſs intelligible and eaſy to be underſtood; Wherefore, to the End that the Conſtitution of the ſaid Univerſity may be properly amended, and appear entire in one Law, it will be expedient to delineate and eſtabliſh the ſame in this, and repeal all former Acts relative thereto:

Univerſity inſtituted.

I. *Be it Enacted by the People of the State of* New-York, *repreſented in Senate and Aſſembly, and it is hereby Enacted by the Authority of the ſame*, That an *Univerſity* be, and is hereby inſtituted within this State, to be called and known by the Name or Style of, *The Regents of the Univerſity of the State of* New-York. That the ſaid Regents ſhall always be Twenty-one in Number, of which the Governor and Lieutenant-Governor of the State for the Time being, ſhall always, in Virtue of their Offices, be Two. That the Governor and Lieutenant Governor, and *John Rodgers*, *Egbert Benſon*, *Philip Schuyler*, *Ezra L'Hommedieu*, *Nathan Carr*, *Peter Sylveſter*, *John Jay*, *Dirck Romeyn*, *James Livingſton*, *Ebenezer Ruſſell*, *Lewis Morris*, *Mathew Clarkſon*, *Benjamin Moore*, *Eilardus Weſterlo*, *Andrew King*, *William Lynn*, *Jonathan G. Thompkins*, *John M'Donald* and *Frederick William De Steuben*, ſhall be, and hereby are appointed the preſent Regents; and that they, and all the future Regents, ſhall continue in Place during the Pleaſure of the Legiſlature. That all Vacancies in the Regency which may happen by Death or Removal, or Reſignation, ſhall, from Time to Time, be ſupplied by the Legiſlature, in the Manner in which Delegates to Congreſs are appointed. That the ſaid Regents, as ſoon as may be after the paſſing of this Act, ſhall convene at ſuch Time and Place as the Governor ſhall appoint, and by Plurality of Voices, by Ballot, chooſe a Chancellor and Vice-Chancellor, to continue in Office during the Pleaſure of the ſaid Regents. That the ſaid Chancellor, or in his Abſence from the ſaid Meeting, the Vice-Chancellor, or in Caſe both be abſent, then the ſenior Regent preſent (and whoſe Seniority ſhall be decided by the Order in which the Regents are named or appointed) ſhall preſide; and in Caſe of Diviſion, have a caſting Voice at all Meetings of the ſaid Regents. That all Meetings of the ſaid Regents, after the Firſt, ſhall be held at ſuch Time and Place as the Chancellor, or in Caſe of his Death, Abſence from the State, or Reſignation, the Vice-Chancellor, or in Caſe of the Death, Abſence from the State, or Reſignation of both of them, then at ſuch Time and Place as the ſenior Regent preſent in the State, ſhall appoint. And it ſhall be the Duty of the Chancellor, Vice-Chancellor, or ſenior Regent, as the Caſe in Virtue of the above Contingencies may be, to order and call a Meeting of the ſaid Regents, whenever and as often as three Regents ſhall, in Writing, apply for and requeſt the ſame; ſuch Order or Call to be publiſhed in one or more of the public News-Papers in the City of *New-York*, at leaſt *ten* Days prior to ſuch Meeting. *And further*, That any *Eight* of the ſaid Regents meeting at the Time and Place ſo ordered, ſhall be a Quorum, and be enabled to tranſact and do the Buſineſs which by this Act they ſhall be authoriſed or directed to do and tranſact. That the ſaid Univerſity ſhall be, and hereby is incorporated, and ſhall be known by the Name of, *The Regents of the Univerſity of the State of* New-York, and by that Name ſhall have perpetual Succeſſion, and Power to ſue and be ſued, to hold Property, real and perſonal, to the Amount of the annual Income of *Forty Thouſand Buſhels of Wheat;* to buy andto ſell, and otherwiſe lawfully diſpoſe of Lands and Chattels; to make and uſe a common Seal, and to alter the ſame at Pleaſure.

Regents named.

Regents to choſe a Chancellor and Vice-Chancellor,

Who ſhall preſide at their Meetings.

To appoint Meetings.

Eight Regents to make a Quorum.

Univerſity incorporated.

II. *And be it further Enacted by the Authority aforeſaid*, That the ſaid Corporation ſhall appoint, by Ballot, a Treaſurer and a Secretary, to continue in

Corporation to appoint a Treaſurer and Secretary.

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in Office during the Pleaſure of the Corporation. That the Treaſurer ſhall keep fair and true Accounts of all Monies by him received and paid out; and that the Secretary ſhall keep a fair Journal of the Meetings and Proceedings of the Corporation, in which the Yeas and Nays on all Queſtions ſhall be entered, if required by any one of the Regents preſent. And to all the Books and Papers of the Corporation, every Regent ſhall always have Acceſs, and be permitted to take Copies of them.

Regents to viſit Colleges, Academies and Schools,

III. *And be it further Enacted by the Authority aforeſaid*, That it ſhall and may be lawful to and for the ſaid Regents, and they are hereby authoriſed and required to viſit and inſpect all the Colleges, Academies and Schools, which are or may be eſtabliſhed in this State; examine into the State and Syſtem of Education and Diſcipline therein, and make a yearly Report thereof to the Legiſlature; and alſo to viſit every College in this State once a Year, by themſelves or by their Committees; and yearly to report the State of the ſame to the Legiſlature; and to make ſuch Bye-Laws and Ordinances, not inconſiſtent with the Conſtitution and Laws of the State, as they may judge moſt expedient for the Accompliſhment of the Truſt hereby repoſed in them.

And appoint a Preſident of any College, and Principal of any Academy, in Caſe of Vacancy for one Year.

And in Caſe the Truſtees of the ſaid Colleges, or any of them, ſhall leave the Office of Preſident of the College, or the Truſtees of any Academy, ſhall leave the Office or Place of Principal of the Academy vacant, for the Space of one Year, it ſhall, in all ſuch Caſes, be lawful for the Regents, unleſs a reaſonable Cauſe ſhall be aſſigned for ſuch Delay, to their Satisfaction, to fill up ſuch Vacancies; and the Perſons by them appointed ſhall continue in Office during the Pleaſure of the Regents, and ſhall reſpectively be received by the College or Academy to which they may be appointed, and ſhall have all the Powers, and exactly the ſame Salary, Emoluments and Privileges, as his next immediate Predeceſſor in Office enjoyed, if any Predeceſſor he had; if not, then ſuch Salary as the Regents ſhall direct, to be paid by the Truſtees, who ſhall, out of the Funds or Eſtate of their College or Academy, be compellable by the ſaid Preſident or Principal to pay the ſame.

Regents may confer Degrees,

IV. *And be it further Enacted by the Authority aforeſaid*, That the ſaid Regents ſhall have the Right of conferring, by Diplomas under their common Seal, or any Perſon or Perſons whom they may think worthy thereof, all ſuch Degree or Degrees, above or beyond thoſe of Batchelor or Maſter of Arts, as are known to and uſually granted by any Univerſity or College in *Europe*.

And apply Funds.

V. *And be it further Enacted by the Authority aforeſaid*, That it ſhall and may be lawful to and for the ſaid Regents, from Time to Time, to apply ſuch Part of their Eſtate and Funds, in ſuch Manner as they may think moſt conducive to the Promotion of Literature, and the Advancement of uſeful Knowledge within this State. *Provided always*, That where Grants ſhall be made to them for certain Uſes and Purpoſes therein expreſſed and declared, the ſame ſhall not be applied, either in the Whole or in Part, to any other Uſes.

Regents to meet annually at the Aſſembly Chamber.

VI. *And be it further Enacted by the Authority aforeſaid*, That the Regents ſhall annually meet on the ſecond Thurſday next after the Senate and Aſſembly, at the annual Seſſion of the Legiſlature, ſhall have formed a Quorum reſpectively, and at the Aſſembly-Chamber, immediately after the Aſſembly ſhall have adjourned. That the ſaid Regents, at ſuch Meetings, and all others, may adjourn from Time to Time, not exceeding *ten* Days at any one Time.

How Colleges may be incorporated by the Regents.

VII. *And be it further Enacted by the Authority aforeſaid*, That any Citizen or Citizens, or Bodies Corporate, within this State, being minded to found a College at any Place within the ſame, he or they ſhall, in Writing, make known

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known to the Regents, the Place where, the Plan on which, and the Funds with which it is intended to found and provide for the ſame, and who are propoſed for the firſt Truſtees; and in Caſe the Regents ſhall approve thereof, then they ſhall declare their Approbation, by an Inſtrument under their common Seal, and allow a convenient Time for completing the ſame. And if at the Expiration of the ſaid Time, it ſhall appear to the Satisfaction of the Regents, that the ſaid Plan and Propoſitions are fully executed, then they ſhall, by Act under their common Seal, declare, that the ſaid College, to be named as the Founders ſhall ſignify, and with ſuch Truſtees, not exceeding Twenty-four, nor leſs than ten, as they ſhall Name, ſhall forthwith become incorporated, and ſhall have perpetual Succeſſion, and enjoy all the corporate Rights and Privileges enjoyed by *Columbia College*, herein after mentioned.

Former Charter to the College in the City of *New-York*, confirmed.

VIII. *And be it further Enacted by the Authority aforeſaid*, That the Charter heretofore granted to the Governors of the College of the Province of *New-York*, in the City of *New-York*, in *America*, dated the Thirty-firſt Day of *October*, in the Year of our Lord One Thouſand Seven Hundred and Fifty-four, ſhall be, and hereby is fully and abſolutely ratified and confirmed, in all Reſpects, except that the College thereby eſtabliſhed, ſhall be henceforth called *Columbia College*: That the Stile of the ſaid Corporation ſhall be, *The Truſtees of* Columbia College, *in the City of* NEW-YORK; and that no Perſons ſhall be Truſtees of the ſame, in Virtue of any Offices, Characters or Deſcriptions whatever; excepting alſo ſuch Clauſes thereof as require the taking of Oaths, and ſubſcribing the Declaration therein mentioned; and which render a Perſon ineligible to the Office of Preſident of the College, on Account of his religious Tenets, and preſcribe a Form of public Prayer to be uſed in the ſaid College; and alſo excepting the Clauſe thereof which provides, that the Bye-Laws and Ordinances to be made in Purſuance thereof, ſhould not be repugnant to the Laws and Statutes of that Part of the Kingdom of *Great-Britain*, called *England*; except alſo, that in all Caſes where *fifteen* Governors are required to conſtitute a Quorum for the Diſpatch of Buſineſs, *thirteen* Truſtees ſhall be ſufficient. *Provided always*, That the Bye-Laws and Ordinances to be made by the Truſtees of the ſaid *Columbia College*, ſhall not be contrary to the Conſtitution and Laws of this State.

Stile of the Corporation.

Truſtees named, & Vacancies how ſupplied.

IX. *And be it further Enacted by the Authority aforeſaid*, That *James Duane*, *Samuel Provoſt*, *John H. Livingſton*, *Richard Varick*, *Alexander Hamilton*, *John Maſon*, *James Wilſon*, *John Gano*, *Brockholſt Livingſton*, *Robert Harper*, *John Daniel Groſs*, *Johann Chriſtoff Kunze*, *Walter Livingſton*, *Lewis A. Scott*, *Joſeph Delaplaine*, *Leonard Liſpenard*, *Abraham Beach*, *John Lawrance*, *John Rutherford*, *Morgan Lewis*, *John Cochran*, *Gerſhom Seixas*, *Charles M'Knight*, *Thomas Jones*, *Malachi Treat*, *Samuel Bard*, *Nicholas Romein*, *Benjamin Kiſſam*, and *Ebenezer Croſsby*, ſhall be, and they are hereby conſtituted and declared to be the preſent Truſtees of *Columbia College*, in the City of *New-York*, and that when by the Death or Reſignation, or Removal of any of the ſaid Truſtees, the Number of thoſe Truſtees ſhall be reduced to *Twenty-four*, then and from thenceforth the ſaid *Twenty-four* Truſtees ſhall be, and they hereby are declared and conſtituted Truſtees of the ſaid *Columbia College*, in perpetual Succeſſion, according to the true Intent and Meaning of the ſaid Charter; and all Vacancies thereafter, ſhall be ſupplied in the Manner thereby directed.

The Power, Rights and Eſtates of the College veſted in the Truſtees.

X. *And be it further Enacted by the Authority aforeſaid*, That all and ſingular the Power, Authority, Rights, Privileges, Franchiſes and Immunities, ſo heretofore granted to, and veſted in the ſaid Govenors of the College of the Province of *New-York*, in the City of *New-York*, in *America*, by the ſaid Charter,

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excepting as before excepted, ſhall be, and the ſame hereby are granted to and veſted in the Truſtees of *Columbia College*, in the City of *New-York*, and their Succeſſors forever, as fully and effectually, to all Intents and Purpoſes, as if the ſame were herein particularly ſpecified and expreſſed; and all and ſingular the Lands, Tenements, Hereditaments and real Eſtate, Goods, Chattels, Rents, Annuities, Monies, Books and other Property, whereof the ſaid Governors of the College of the Province of *New-York*, in the City of *New-York*, in *America*, were ſeiſed, poſſeſſed or entitled, under and in Virtue of the ſaid Charter, or with which the Regents of the ſaid Univerſity were inveſted, under or by Virtue of the ſaid Acts, for the Uſe or Benefit of the ſaid *Columbia College*, ſhall be, and the ſame hereby are granted to and veſted in the ſaid Truſtees of *Columbia College*, in the City of *New-York*, and their Succeſſors forever, for the ſole Uſe and Benefit of the ſaid College; and it ſhall and may be lawful to and for the ſaid Truſtees, and their Succeſſors, to grant, bargain, ſell, demiſe, improve and diſpoſe of the ſame, as to them ſhall ſeem meet. *Provided always*, That the Lands given and granted to the Governors of the College of the Province of *New-York*, in the City of *New-York*, in *America*, by the Corporation, heretofore ſtiled, *The Rector and Inhabitants of the City of* NEW-YORK, *in Communion of the Church of* England, *as by Law eſtabliſhed*, on Part whereof the ſaid College is erected, ſhall not be granted for any greater Eſtate, or in any other Manner, than is limited by the ſaid Charter.

Senior Truſtee to call ſpecial Meetings.

XI. *And be it further Enacted by the Authority aforeſaid*, That when any ſpecial Meeting of the Truſtees of the ſaid College, ſhall be deemed neceſſary, it ſhall and may be lawful to and for the ſenior Truſtee of the ſaid College, then in the City of *New-York*, and taking upon himſelf the Exerciſe of the Office (which Seniority ſhall be determined according to the Order in which the ſaid Truſtees are named in this Act, and ſhall be elected hereafter) and he is hereby authoriſed and required, on Application for that Purpoſe in Writing, under the Hands of any five or more of the ſaid Truſtees, to appoint a Time for ſuch ſpecial Meeting, in ſome convenient Place within the ſaid City, and to cauſe due Notice thereof to be given in the Manner directed by the ſaid Charter.

XII. AND *whereas* Academies for the Inſtruction of Youth in the Languages, and other Branches of uſeful Learning, have been erected and inſtituted in different Parts of this State, by the free and liberal Benefactions of Corporations, as well as Individuals; and the Regents of the Univerſity having repreſented, that the Appointment and Incorporation of Truſtees for each of the ſaid Academies, with competent Powers to manage the Funds already appropriated, and the Donations which may be made to ſuch Academies, and to ſuperintend the Morals and Education of the Scholars, and the Conduct of the Principal, Maſters and Teachers, would greatly conduce to their Security and Proſperity; Therefore, *Be it further Enacted by the Authority aforeſaid*, That upon the Application of the Founders and Benefactors of any Academy, now or hereafter to be erected or eſtabliſhed within any of the Cities or Counties of this State, or as many of them as ſhall have contributed more than one Half in Value of the real and perſonal Property and Eſtate, collected or appropriated for the Uſe and Benefit thereof, by an Inſtrument in Writing, under their Hands and Seals, to the Regents of the Univerſity, expreſſing their Requeſt, that ſuch Academy ſhould be incorporated, and be ſubject to the Viſitation of the Regents, nominating in ſuch Inſtrument the Truſtees, not more than *Twenty-four* or leſs than *Twelve*, for ſuch Academy, and ſpecifying the Name by which the ſaid Truſtees ſhall be called and diſtinguiſhed; and whenever any ſuch Requeſt ſhall be made to the ſaid Regents, they ſhall, in every ſuch Caſe, (if they conceive ſuch Academy

Founders of Academies may apply to the Regents to be incorporated.

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calculated for the Promotion of Literature) by an Inſtrument under their common Seal, ſignify their Approbation of the Incorporation of the Truſtees of ſuch Academy, named by the Founders thereof, by the Name mentioned in and by their ſaid Requeſt in Writing; which ſaid Requeſt in Writing, and Inſtrument of Approbation by the ſaid Regents, ſhall be recorded in the Secretary's Office of the State.

Regents to ſignify their Approbation.

XIII. *And be it further Enacted by the Authority aforeſaid*, That the Truſtees ſo conſtituted, ſhall be the firſt Truſtees for the Academy for which they ſhall be appointed, and immediately after recording the ſaid Requeſt in Writing, and Inſtrument of Approbation, ſhall be legally inveſted with all the real and perſonal Eſtate appertaining to ſuch Academy, or in any wiſe given or granted for the Uſe thereof; and the ſaid Truſtees, from the Time of their Appointment as aforeſaid, and their Succeſſors forever thereafter, ſhall be a Body Corporate and Politic, in Deed, Fact and Name, known and diſtinguiſhed by the Name and Stile to be expreſſed in the ſaid Inſtrument; and by that Name ſhall have perpetual Succeſſion, and be capable in the Law to ſue and be ſued, and defend and be defended, in all Courts, and in all Cauſes, Plaints, Controverſies, Matters and Things whatſoever; and by the ſame Name and Stile, they and their Succeſſors ſhall lawfully hold, uſe and enjoy the Lands, Tenements and Hereditaments, in any wiſe appertaining to the Academy for which they ſhall be conſtituted Truſtees, and ſhall and may lawfully have, take, acquire, purchaſe and enjoy Lands, Tenements and Hereditaments, and uſe and improve ſuch Goods and Chattels, in ſuch Manner as they ſhall judge to be moſt beneficial for ſuch Academy: *Provided*, That the annual Revenue or Income ariſing from the real and perſonal Eſtate of any ſuch Academy, ſhall not exceed the Value of, *Four Thouſand Buſhels* of *Wheat;* any Law, Uſage or Cuſtom to the Contrary notwithſtanding.

Such Application and Approbation being recorded, the Truſtees to be a Body Corporate, and veſted with the Eſtate of the Academy.

Annual Revenue of Academies not to exceed 4000 *Buſhels* of *Wheat.*

XIV. *And be it further Enacted by the Authority aforeſaid*, That it ſhall and may be lawful to and for ſuch Truſtees, and their Succeſſors forever, to have and uſe a common Seal, and the ſame to alter, break and make a-new at their Pleaſure. And as often as any three or more of the ſaid Truſtees ſhall think fit, and ſignify their Requeſt, the ſenior Truſtee actually exerciſing his Office, and reſiding within three Miles of ſuch Academy, ſhall call a Meeting of the ſaid Truſtees, at ſuch convenient Time and Place as he ſhall appoint, not leſs than eight nor more than twelve Days from the Time of ſuch Requeſt, of which previous Notice in Writing ſhall be affixed on the Door of the Academy, and of the Church neareſt thereto, within two Days after ſuch Appointment; and at every ſuch Meeting the ſenior Truſtee ſhall preſide; ſuch Seniority in all Caſes to be determined according to the Order of their Nomination in the ſaid Inſtrument, or according to the Priority of Election after all the firſt Truſtees ſhall become extinct: And the major Part of ſuch Truſtees ſhall always be a ſufficient Quorum to proceed on Buſineſs, and ſhall have full Power and Authority to adjourn from Time to Time, not exceeding ſeven Days at any one Time, as the Duties of their Truſt may require. And it ſhall and may be lawful to and for ſuch Quorum of the ſaid Truſtees, when aſſembled and met in Manner aforeſaid, or the major Part of them, from Time to Time, to appoint a Treaſurer and Clerk, Principal, Maſters, Tutors, Teachers and other neceſſary Officers; to aſcertain their reſpective Salaries, and to remove and diſplace any of them at their Pleaſure; and to make Bye-Laws for the Admiſſion, Education, Government and Diſcipline of the Scholars or Students, and the Eſtabliſhment of the Price or Terms of Tuition; for ſecuring, reviſing and paying out and diſpoſing of the Revenues, and in general for conducting and managing the Eſtate, Buſineſs and Affairs of the ſaid Academy, and every Matter and Thing relating thereto, in ſuch Manner

Truſtees to have a common Seal.

Senior Truſtee to call Meetings, and preſide.

Major Part of Truſtees to form a Quorum,

And to appoint Officers.

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Manner as they ſhall judge to be moſt conducive to its Intereſt and Proſperity, and the End of their Truſt.

Vacancies of Truſtees how to be filled up.

XV. AND in Order to preſerve the Succeſſion of Truſtees for the ſaid Academies reſpectively; *Be it further Enacted by the Authority aforeſaid*, That whenever a Vacancy ſhall happen in any Corporation of Truſtees, by the Death, Reſignation or Refuſal to act of any Truſtee, it ſhall and may be lawful to and for the Truſtees of ſuch Academy, and they are hereby authorized and required, at any legal Meeting of the Truſtees, to elect and chooſe a fit Perſon to fill up and ſupply ſuch Vacancy.

Regents of the Univerſity to viſit all Academies.

XVI. AND for the greater Encouragement of ſuch Academies, and to render them more uſeful and reſpectable; *Be it further Enacted by the Authority aforeſaid*, That the Regents of the Univerſity ſhall be Viſitors of ſuch Academies, and the Chancellor, Vice-Chancellor, or a Committee of the Regents, ſhall, as often as they ſee proper, viſit ſuch Academies, to enquire into the State and Progreſs of Literature therein.

Scholars educated in any Academy, how admitted into Colleges.

XVII. *And be it further Enacted by the Authority aforeſaid*, That when any Scholar who ſhall be educated at any of the ſaid Academies, on due Examination by the Preſident and Profeſſors of *Columbia College*, or any other College, ſubject to the Viſitation of the ſaid Regents, ſhall be found competent, in the Judgment of the ſaid Preſident and Profeſſors, to enter into the *Sophimore*, *Junior* or *Senior Claſſes*, of ſuch Colleges reſpectively, ſuch Scholar ſhall be entitled to an Admiſſion into ſuch of the ſaid Claſſes for which he ſhall be ſo adjudged competent, and ſhall be admitted accordingly, at any one of the quarterly Examinations of ſuch reſpective Claſſes.

What Truſtees of Academies to do to entitle their Scholars to ſuch Admiſſion.

XVIII. *Provided always, and be it further Enacted by the Authority aforeſaid*, That to entitle the Scholars of any ſuch Academy to the Privileges aforeſaid, the Truſtees thereof ſhall lay before the Regents of the ſaid Univerſity, from Time to Time, the Plan or Syſtem propoſed to be adopted, for the Education of the Students in each of the ſaid Academies reſpectively, in order that the ſame may be reviſed and examined by the ſaid Regents, and by them be altered or amended, or approved and confirmed, as they ſhall judge proper.

When Regents may allow Truſtees to elect a Preſident, and ſuch Academy to become a College.

XIX. *And be it further Enacted by the Authority aforeſaid*, That whenever it ſhall appear to the ſaid Regents, that the State of Literature in any Academy is ſo far advanced, and the Funds will admit thereof, that it may be expedient that a Preſident be appointed for ſuch Academy; the ſaid Regents ſhall, in ſuch Caſe, ſignify their Approbation thereof, under their common Seal, which being entered of Record as aforeſaid, ſhall authoriſe the Truſtees of ſuch Academy to elect a Preſident, who ſhall have, hold and enjoy all the Powers that the Preſident of any College recognized by this Act, ſhall or may lawfully have, hold and enjoy; and ſuch Academy thereafter, inſtead of being called an Academy, ſhall be called and known by the ſame Name it was called while it was an Academy, except that the Word *College* ſhall be uſed in all Caſes, inſtead of the Word *Academy;* and be ſubject to the like Rules, Regulations, Controul and Viſitation of the Regents, as other Colleges mentioned in this Act.

No Preſident or Profeſſor ineligible for his religious Tenets.

What Offices not to be held by the ſame Perſon.

XX. *And be it further Enacted by the Authority aforeſaid*, That no Preſident or Profeſſor ſhall be ineligible for or by Reaſon of any religious Tenet or Tenets that he may or ſhall profeſs; or be compelled by any Law or otherwiſe, to take any Teſt Oath whatſoever; and no Profeſſor or Tutor of any College or Academy recognized by this Act, ſhall be a Truſtee of any ſuch College or Academy, nor ſhall any Preſident of any College, or Principal of

of any Academy, who shall be a Trustee, have a Vote in any Case relating to his own Salary or Emoluments; nor shall any Trustee, President, Principal, Tutor, Fellow, or other Officer of any College or Academy, be a Regent of the University.

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XXI. *And be it further Enacted by the Authority aforesaid*, That whenever any Person now or hereafter appointed a Trustee of any College or Academy, shall be appointed or elected a Regent of the University, and whenever any Person being a Regent of the University, shall be appointed or elected a Trustee of any College or Academy, such Person so appointed or elected shall, on due Notice thereof, decide and elect in which of the said Places he will serve, and by Writing under his Hand, shall make known such Election, whether of Refusal or Acceptance, to those by whom he was elected, to the End that such Appointment may take Effect, in Case he accept it, or that they proceed to a new Appointment, in Case he refuse it.

A Person appointed a Trustee of a College or Academy, or a Regent, to make his Election.

XXII. *And be it further Enacted by the Authority aforesaid*, That the Act, entitled, † *An* Act *for granting certain Privileges to the College heretofore called* King's College, *for altering the Name and Charter thereof, and erecting an University within this State*, passed the 1st Day of *May*, 1784; and the Act, entitled, ‡ *An* Act *to amend an Act, entitled, An* Act *for granting certain Privileges to the College heretofore called* King's College, *for altering the Name and Charter thereof, and erecting an University within this State*, passed the 26th Day of *November*, 1784, be, and they are hereby severally repealed.

Former Acts repealed.
† *7th Sess. Ch.* 51.
‡ *8th Sess. Ch.* 15.

CHAP. LXXXIII.

An ACT *acceding to the Act of Congress of the second Day of* August, *One Thousand Seven Hundred and Eighty-six.*

Passed 13th April, 1787.

Obsolete.

CHAP. LXXXIV.

An ACT *to remove certain Obstructions in the Navigation of* Hudson's River.

Passed 13th April, 1787.

WHEREAS it has been represented to the Legislature, that it is necessary that certain Obstructions in the Navigation of *Hudson's River*, should be removed; Therefore,

Preamble.

I. *Be it Enacted by the People of the State of* New-York, *represented in Senate and Assembly, and it is hereby Enacted by the Authority of the same*, That every Vessel of the Burthen of *ten* Tons or upwards, which shall, from and after the fifteenth Day of *May* next, cross the Bar in the said River, about three Miles below the City of *Albany*, commonly called the *Overslagh*, in ascending the said River, shall pay a Tonnage of *Three Pence* for every Ton such Vessel shall measure, as often as such Vessel shall cross the said Bar, in ascending the said River. *Provided*, That no Scow shall be subject to the Payment of such Tonnage.

Vessels ascending the *Overslagh*, to pay Tonnage.

II. *And be it further Enacted by the Authority aforesaid*, That it shall and may be lawful to and for the Mayor, Aldermen and Commonalty of the City of *Albany*, in Common Council convened, from Time to Time, and as often as they shall deem it necessary, to appoint one or more Commissioner or Commissioners, not exceeding *three*, and a Clerk, for the Purposes herein after mentioned. That the said Commissioner or Commissioners shall not receive any Fee or Reward, for any Services to be performed by him or them, in Pursuance of this Act.

Corporation of *Albany* to appoint Commissioners, and a Clerk.

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III. *And be it further Enacted by the Authority aforeſaid*, That every Maſter, or Perſon having the Command of any Veſſel, ſhall, within two Days after ſuch Veſſel ſhall have croſſed the ſaid Bar, in aſcending the ſaid River, make Report to the ſaid Clerk, of the Dimenſions of ſuch Veſſel; which Report the ſaid Clerk ſhall enter in a Book, to be kept by him for that Purpoſe; and if any Maſter, or Perſon having the Command of ſuch Veſſel, ſhall make a Report which ſuch Clerk ſhall have Reaſon to believe is fraudulent, it ſhall and may be lawful to and for ſuch Clerk, to cauſe a fit Perſon to ſurvey and take the exact Dimenſions of ſuch Veſſel, and compute her Tonnage in Manner following; *That is to ſay*, Three Fifths of the Beam to be deducted from the Length of the Main-Deck, the Remainder multiplied by the Breadth of the Beam, that Sum multiplied by Half the Breadth of the Beam, for the Depth of the Hold, that divided by Ninety-five, to be deemed the Contents of the Veſſel in Tons; but if ſuch Veſſel ſhall be a ſingle-decked Veſſel, to multiply her Length and Breadth by her Depth in the Hold, from Skin to Skin, and divide the ſame by Ninety-five as aforeſaid. And if upon ſuch Survey and Calculation, it ſhall appear that the Number of Tons contained in ſuch Veſſel, exceed the Tons mentioned in ſuch Report, the Maſter, or Perſon having the Command of ſuch Veſſel, ſhall be ſubject to the Payment of the Sum of *Five Shillings*, for every Ton which the Tonnage of ſuch Veſſel ſhall exceed the Number of Tons mentioned in ſuch Report; and that if any Maſter, or Perſon having the Command of any Veſſel croſſing the ſaid Bar, in aſcending the ſaid River as aforeſaid, ſhall neglect or refuſe to make ſuch Report, within the Time for that Purpoſe herein before limited, every ſuch Maſter, or Perſon having the Command of ſuch Veſſel, ſhall forfeit, for every ſuch Neglect or Refuſal, the Sum of *Thirty Shillings*. *Provided*, That no Perſon ſhall be compelled to make Report of the Contents of any Veſſel, more than once in any one Year, ſuch Year to be computed to commence from the firſt Day of *March*, in every Year; but ſhall nevertheleſs make Report of the Arrival of ſuch Veſſel, as often as ſuch Veſſel ſhall croſs the ſaid Bar.

Maſters of Veſſels croſſing the Bar, to make Report.

How Tonnage to be computed.

Penalty in Caſe of a falſe Report,

And of Neglect.

No Perſon obliged to make Report more than once a Year.

IV. *And be it further Enacted by the Authority aforeſaid*, That the ſaid Tonnage ſhall be paid to ſuch Clerk, within three Days after any Veſſel, ſubject to the Payment of Tonnage, ſhall have croſſed the ſaid Bar; and that if any Perſon, ſubject to the Payment of the ſaid Tonnage, ſhall neglect or refuſe to pay the ſame, longer than the Time for that Purpoſe herein before limited, he ſhall forfeit the Sum of *Three Pounds* for every ſuch Neglect or Refuſal.

Tonnage when to be paid.

V. *And be it further Enacted by the Authority aforeſaid*, That all Forfeitures to be incurred for Neglect or Refuſal of any Matter or Thing required by this Act, ſhall and may be recovered in an Action of Debt, with Coſts, by and in the Name of ſuch Clerk, before the Mayor, Recorder or any one of the Aldermen of the City of *Albany*, or any Juſtice of the Peace of any County in this State, and ſhall be paid and applied in like Manner as the Product of the ſaid Tonnage is herein directed to be paid and applied.

Forfeitures how to be recovered and applied.

VI. *And be it further Enacted by the Authority aforeſaid*, That the Clerk to be appointed as aforeſaid, ſhall, previous to his performing any of the Duties enjoined on him by this Act, take an Oath, before the Mayor, Recorder or any one of the Aldermen of the City of *Albany*, well, faithfully and impartially to execute the Duties required of him by this Act, according to the Beſt of his Knowledge and Abilities; and ſhall enter into a Recognizance before ſuch Mayor or Recorder, to the Chamberlain of the ſaid City of *Albany*, in the Sum of *Five Hundred Pounds*, with one ſufficient Surety, in the Sum of *Two Hundred and Fifty Pounds; Conditioned*, That the ſaid Clerk will faithfully and impartially execute the Duties required of him by this Act, according to the Beſt of his Knowledge and Abilities.

Clerk to take an Oath, and enter into Recognizance.

VII. *And*

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VII. *And be it further Enacted by the Authority aforeſaid*, That if any Maſter, or Perſon having the Command of any Veſſel, ſubject to ſuch Tonnage, ſhall, with Intent to evade the Payment of the ſaid Tonnage hereby impoſed on ſuch Veſſel, ſail from any Part of the ſaid River above the ſaid Bar, to any Part of the ſaid River below the ſaid Bar, without having paid the ſaid Tonnage, every Maſter, or Perſon having the Command of ſuch Veſſel, ſhall, for every ſuch Offence, forfeit the further Sum of *Ten Pounds*.

Penalty in Caſe of an Attempt to evade the ſaid Tonnage.

VIII. *And be it further Enacted by the Authority aforeſaid*, That the ſaid Clerk ſhall be allowed for his Services, a Sum not exceeding *Ten per Cent.* on all Monies actually received by him, for and on Account of the ſaid Tonnage, to be retained out of the Monies to be raiſed and collected by Virtue of this Act; and that the Reſidue of the Monies ariſing from the ſaid Tonnage hereby impoſed, ſhall, from Time to Time, be paid to the Commiſſioners, to be appointed as aforeſaid, to be by them applied for the Purpoſe of removing any Obſtructions in the Navigation of the ſaid River, within fourteen Miles of, and below the City of *Albany*, in ſuch Manner as to them, or a major Part of them, ſhall, in their Diſcretion, appear fit and moſt effectual to remove ſuch Obſtructions.

Allowance to Clerk for Services; and Monies by him received to be paid to Commiſſioners.

IX. *And be it further Enacted by the Authority aforeſaid*, That the ſaid Commiſſioners ſhall, once in every Year, render regular Accounts of their Receipts and Expenditures, in Purſuance of the Powers veſted in them in and by this Act, to the Mayor, Aldermen and Commonalty of the City of *Albany*, in Common Council convened.

Commiſſioners annually to account to the Corporation of *Albany*.

X. *And be it further Enacted by the Authority aforeſaid*, That every Veſſel croſſing the Bar aforeſaid, upon the Return of ſuch Veſſel from any Place below the ſaid Bar, to which ſuch Veſſel ſhall have been conveyed for the Purpoſe of careening only, and every Veſſel laden with Wood or Stone, or croſſing the ſaid Bar to take in Part of her Lading, to be conveyed to *New-York*, ſhall be exempted from the Payment of the Tonnage aforeſaid, upon croſſing the ſaid Bar in aſcending the ſaid River. *Provided*, It ſhall be made appear to the ſaid Clerk, that ſuch Veſſel was carried acroſs the ſaid Bar, down the ſaid River, for either of the Purpoſes aforeſaid, and for and with no other Intent or Purpoſe whatſoever.

In what Caſes Veſſels croſſing the ſaid Bar, exempted from paying Tonnage.

XI. *And be it further Enacted by the Authority aforeſaid*, That this Act ſhall remain in Force for the Term of *five* Years, and no longer.

This Act to continue *five* Years.

CHAP. LXXXV.

An ACT *to veſt the Eſtate of* Richard Maitland, *deceaſed, in Truſtees, for the Payment of his Debts.*

Private.
Amended, 11th Seſſ. Ch. 51.

Paſſed 14th April, 1787.

CHAP. LXXXVI.

An ACT *for the more effectual Collection of the Arrears of the Tax therein mentioned, and for the Relief of Perſons improperly taxed in the City and County of* New-York, *and for other Purpoſes.*

Obſolete.

Paſſed 14th April, 1787.

CHAP.

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Private.

CHAP. LXXXVII.

An ACT *for the Relief of* Jeſſe Hunt.

Paſſed 16th April, 1787.

CHAP. LXXXVIII.

An ACT *for regulating the Buildings, Streets, Wharfs and Slips, in the City of* New-York.

Paſſed 16th April, 1787.

Preamble.

WHEREAS for the Encouragement of the Trade and Commerce of this State, it is neceſſary that the Buildings, Streets, Wharfs and Slips, in the City of *New-York*, ſhould be regulated with Uniformity, for the Accommodation of Habitations, Shipping and Tranſportation; Wherefore, to remove all Impediments or Obſtruction that may retard ſo neceſſary a Work,

Common Council of *New-York*, to make Bye-Laws for regulating Buildings, Streets, Wharfs and Slips,

I. *Be it Enacted by the People of the State of* New-York, *repreſented in Senate and Aſſembly, and it is hereby Enacted by the Authority of the ſame*, That it ſhall and may be lawful to and for the Mayor, Aldermen and Commonalty of the City of *New-York*, in Common Council convened, from Time to Time, to make ſuch Bye-Laws, Ordinances, Rules and Orders, for the better regulating and arranging, with Uniformity, ſuch new Buildings as ſhall, after the paſſing of this Act, be erected for Habitations, or for the Purpoſes of Trade and Commerce; and alſo, for regulating and altering the Streets, Wharfs and Slips, in ſuch Manner as ſhall be moſt commodious for Shipping and Tranſportation; and alſo at their Will and Pleaſure, from Time to Time, to nominate and appoint two or more diſcreet and intelligent Perſons to be

And to appoint Surveyors thereof.

the Surveyors of the Buildings, Streets, Wharfs and Slips of the ſaid City, whoſe Office and Duty it ſhall be to direct and ſee that all Buildings, Streets, Wharfs and Slips, to be laid out or altered in the ſaid City, be regulated with Uniformity, for the Accommodation of Habitations, Shipping, Trade and Commerce, according to ſuch Bye-Laws, Ordinances, Rules and Orders, as, by the Common Council of the ſaid City, ſhall be for that Purpoſe, from Time to Time, ordained and eſtabliſhed; which ſaid Surveyors ſhall reſpectively, before they enter upon the Duties of their ſaid Offices, take the following Oath, before the Mayor or Recorder, *viz.*

To take an Oath.

Form of Oath.

I ——, *appointed a Surveyor of the City of* New-York, *do ſwear, in the Preſence of Almighty God, That I will faithfully, truly and impartially, execute the Office of one of the Surveyors of the ſame City.*

II. AND *whereas* in the laying out of new Lots of Ground for Buildings, Controverſies may ariſe, by Reaſon that a Lot or Lots, if built upon, to their full Extent, would incommode and obſtruct ſome Street of the ſaid City, and be hurtful to the Trade and Health of the Inhabitants thereof; Therefore, *Be it further Enacted by the Authority aforeſaid*, That it ſhall and

Common Council to prevent Buildings encroaching on the Streets.

may be lawful to and for the Mayor, Aldermen and Commonalty of the ſaid City, in Common Council convened, to hinder and prevent any Building or Buildings, that may narrow or encroach upon any Street within the ſaid City: And if in the doing thereof, or in the laying out for the future, any Streets, Wharfs or Slips, they ſhall require for ſuch Purpoſes, the Ground of any Perſon or Perſons, they ſhall give Notice thereof to the Owner, or Parties intereſted in ſuch Ground, or his, her or their Agent or legal Repreſentative: And to the End that reaſonable Satisfaction may be made for all ſuch Ground

How to procure Ground for laying out Streets.

as ſhall be neceſſary for the Uſes aforeſaid, the ſaid Common Council ſhall and may treat with the Owners, or Perſons intereſted therein, or his, her or their Agent or legal Repreſentative; and if any ſuch Owner or Owners ſhall refuſe to treat in Manner aforeſaid, then, and in ſuch Caſe, it ſhall and may be

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lawful to and for the Mayor or Recorder, and any two or more Aldermen, by Virtue of this Act, by a Precept under their Hands and Seals, to command the Sheriff of the ſaid City and County of *New-York*, to impannel and return, and he is hereby required to impannel and return a Jury to appear before the Mayor's Court of the ſaid City, at any Term thereof, not leſs than three Weeks from the Date of ſuch Precept, to enquire of and aſſeſs the Damages and Recompence due to the Owner or Owners of ſuch Ground, or his, her or their Agent or legal Repreſentative; and at the ſame Time to ſummon the Owner or Owners of ſuch Ground, by Notice to be left at his, her or their moſt uſual Place of Abode, to appear before ſuch Mayor's Court, on the Day and at the Place in ſuch Precept to be ſpecified; which Jury being firſt duly ſworn, faithfully and impartially to inquire into and aſſeſs the Damages in Queſtion, and having viewed the Premiſes, if neceſſary, ſhall inquire of and aſſeſs ſuch Damages and Recompence, as they ſhall, under all the Circumſtances, judge fit to be awarded to the Owner or Owners of ſuch Ground, for their reſpective Loſſes, according to their ſeveral Intereſts and Eſtates therein. And the Verdict of ſuch Jury, and the Judgment of the ſaid Mayor's Court thereupon, and the Payment of the Sum or Sums of Money ſo awarded and adjudged to the Owner or Owners thereof, or Tender and Refuſal thereof, ſhall be concluſive and binding, to all Intents and Purpoſes, againſt the ſaid Owner and Owners, his, her and their reſpective Heirs, Executors, Adminiſtrators and Aſſigns, claiming any Eſtate or Intereſt of, in or to the ſame Ground; and it ſhall thereupon be lawful to and for the ſaid Mayor, Aldermen and Commonalty of the City of *New-York*, and their Succeſſors, to cauſe the ſame Ground to be converted to and uſed for the Purpoſes aforeſaid.

Common Council to direct the making Common Sewers, Drains & Vaults, paving the Streets, and altering, amending & cleanſing the ſame.

IV. And *whereas* the Dirt and Soil lying in the Streets, doth often prove a common Nuiſance, and very prejudicial to the Health of the Inhabitants of the ſame City; For Remedy whereof, *Be it further Enacted by the Authority aforeſaid*, That it ſhall and may be lawful to and for the Mayor, Aldermen and Commonalty of the ſaid City, in Common Council convened, by Ordinances and Bye-Laws for that Purpoſe to be made and ordained, from Time to Time, and in ſuch Manner as they ſhall judge to be moſt conducive to Health and public Convenience, to cauſe Common Sewers, Drains and Vaults to be made and conſtructed in any Part of the ſaid City, and to order and direct the pitching and paving the Streets thereof, and the cutting into any Drain or Sewer already made, or to be made; and the altering, amending, cleanſing and ſcouring of any Street, Vault, Sink, or Common Sewer, within the ſame City. And for the better effecting thereof, it ſhall and may be lawful to and for the Mayor, Aldermen and Commonalty of the ſaid City, in Common Council convened, to cauſe to be made, an Eſtimate or Eſtimates of the Expence of conforming to ſuch Regulations as aforeſaid, and a juſt and equitable Aſſeſſment thereof, among the Owners or Occupants of all the Houſes and Lots intended to be benefited thereby, in Proportion, as nearly as may be, to the Advantage which ſhall be deemed to acquire reſpectively. And in order that the ſame may be faithfully and impartially performed, the ſaid Common Council ſhall, from Time to Time, appoint *five* ſufficient and diſintereſted Freeholders for every ſuch Purpoſe, who, before they enter upon the Execution of their Truſt, ſhall be duly ſworn, before the ſaid Mayor or Recorder, to make the ſaid Eſtimate and Aſſeſſment fairly and impartially, according to the Beſt of their Skill and Judgment; and a Certificate in Writing of ſuch Eſtimate and Aſſeſſment being returned to the ſaid Common Council, and ratified by them, ſhall be binding and concluſive upon the Owners and Occupants of ſuch Lots ſo to be aſſeſſed reſpectively; and ſuch Owners or Occupants reſpectively, ſhall thereupon become, and be liable and chargeable, and they are hereby required, upon Demand, to pay to ſuch

How the Expences to be eſtimated and aſſeſſed,

And collected and applied.

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Perſon as ſhall be authoriſed by the ſaid Common Council to receive the ſame, the Sum at which ſuch Houſe or Lot ſhall be ſo aſſeſſed, to be employed and applied for and towards the making, altering, amending, pitching, paving, cleanſing and ſcouring ſuch Streets, and making, conſtructing and repairing ſuch Vaults, Drains and Sewers as aforeſaid; and in Default of Payment thereof, or any Part thereof, it ſhall and may be lawful to and for the Mayor, Recorder and Aldermen of the ſame City, or any five of them, of whom the Mayor or Recorder always to be one, by Warrant under their Hands and Seals, to levy the ſaid Sum and Sums of Money ſo aſſeſſed, by Diſtreſs and Sale of the Goods and Chattels of the Owner or Occupant of ſuch Houſe or Lot ſo aſſeſſed, and refuſing or neglecting to pay the ſame; rendering the Overplus, if any there be, after deducting the Sum aſſeſſed, and the Charges of Diſtreſs and Sale, to ſuch Owner or Occupant reſpectively, or their legal Repreſentatives.

This Act not to affect any Agreement between Landlord and Tenant.

V. *Provided always, and be it further Enacted by the Authority aforeſaid*, That nothing in the laſt mentioned Clauſe of this Act contained, ſhall be conſtrued to affect any Contract or Agreement that hath been or ſhall be made between any Landlord and Tenant, reſpecting the Payment of any ſuch Charges or Repairs, but they ſhall be anſwerable to each other in the ſame Manner as if this Act had never been made. *And further*, In Caſe any Money ſo from Time to Time to be aſſeſſed for the Services aforeſaid, ſhall be paid by any Perſon, when by Agreement or by Law the ſame ought to have been borne and paid by ſome other Perſon, that then it ſhall and may be lawful to and for the Perſon ſo paying the ſame, and he ſhall be, and hereby is empowered and authoriſed to ſue for and recover the ſame, with Intereſt and Coſts of Suit, in any Court having lawful Cognizance thereof, as ſo much Money paid for the Uſe of the Perſon for whom or for whoſe Uſe the ſame ſhall have been paid; and the Aſſeſſment aforeſaid, with Proof of Payment, ſhall be concluſive Evidence to ſuch Court, and Judgment and Execution ſhall be awarded accordingly.

VI. And *whereas* more effectually to accommodate the Trade, and preſerve the Health of the Citizens, it is neceſſary, in certain Parts of the City, to level adjoining Lots, by raiſing ſome and reducing others, in order to draw away the ſtagnate Water and Filth, and render the Streets dry, and the Paſſage eaſy and convenient; and it frequently happens, that there are vacant Lots, owned by Perſons who refuſe to contribute to any Expence with Reſpect to their Lots, or the Streets on which they are bounded, however detrimental ſuch Refuſal may prove to the Proprietors of the adjacent Lots, and the public Good; For Remedy whereof, *Be it further Enacted by the Authority aforeſaid*, That when in any ſuch Caſe a general Regulation ſhall be judged neceſſary, in any Part of the City, and be ordered and directed by any Ordinance or Bye-Law of the ſaid Mayor, Aldermen and Commonalty of the ſaid City, in Common Council convened, for raiſing, reducing, levelling or fencing in any ſuch Lot or Lots as aforeſaid, it ſhall and may be lawful to and for the ſaid Common Council, to cauſe an Eſtimate to be made of the whole Expence of conforming to ſuch Regulation, with Reſpect to each Lot which the Owner thereof ſhall refuſe or neglect to put in the Order thereby required; which Eſtimate ſhall be made and certified under the Hands and Seals of *five* ſufficient Freeholders, to be appointed for that Purpoſe, and ſworn in Manner aforeſaid; and the ſame Eſtimate being duly returned to, and approved by the ſaid Common Council, they ſhall take Order for advertiſing the ſame, in two or more of the public News-Papers printed in the ſaid City, for three Weeks, thereby requiring the Owners of ſuch Lots reſpectively, to pay the Sum at which the ſaid Lots ſhall be ſo aſſeſſed, to the Treaſurer or Chamberlain of the ſaid City, to defray the Expence of the intended Work; and

In general Regulations for levelling Streets, Owners of Lots to pay Expence.

How to be aſſeſſed.

that

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that if Default shall be made in such Payment, such Lot will be sold at public Action, at a Day and Place therein to be specified, for the lowest Term of Years at which any Person shall offer to take the same, in Consideration of advancing the Sum assessed on the same, for the Expence aforesaid. And if, notwithstanding such Notice and Demand, the Owner or Owners should refuse or neglect to pay such Assessment, with the Charge of Appraisement and Advertisement, then it shall and may be lawful to and for the said Common Council, to cause the said Lot to be sold at public Auction, for a Term of Years, for the Purposes and in the Manner expressed in the said Advertisement, and to give a Declaration of such Sale to the Purchaser thereof, under the common Seal of the said City; and such Purchaser, his Executors, Administrators and Assigns, shall, by Virtue thereof, and of this Act, lawfully hold and enjoy the same, for his and their own proper Use, against the Owner or Owners thereof, and all claiming under him or them, until his Term therein shall be fully complete and ended; being at Liberty to remove all the Buildings and Materials which he, she or they shall erect or place thereon, but leaving the Ground in sufficient Fence, and with the Street or Streets fronting the same, in the Order required by the said Regulations; any Law, Usage or Custom to the Contrary thereof notwithstanding. *Provided always*, That if, after defraying the actual Expence of conforming any Lot, so to be sold for a Term of Years, to the Regulations aforesaid, and deducting all reasonable Charges attending the same, a Surplus of the Purchase-Money, bidden or given therefore, at such Auction, shall remain in the Hands of the Chamberlain or Treasurer of the said City, the same shall forthwith be rendered to the Owner or Owners of such Lot or Lots respectively, or his, her or their respective legal Representatives.

Penalty for Default of Payment.

VII. *And be it further Enacted by the Authority aforesaid*, That if upon the Completion of any such Regulation as aforesaid, it shall appear to the Mayor, Aldermen and Commonalty of the said City, in Common Council convened, that a greater Sum of Money hath been *bona Fide* expended in making such Regulation, than the Sum mentioned in the Estimate so made as aforesaid, and actually collected, it shall and may be lawful to and for the said Common Council, to cause a further Assessment to be made of the Sum, which such *bona Fide* Expenditures shall exceed the Sum so estimated and collected as aforesaid, upon and among the Owners or Occupants of all the Houses and Lots before assessed as aforesaid, and to cause the same to be collected in the same Manner as herein before directed. *And further*, That in Case the Sum actually expended shall be less than the Sum expressed in such Estimate, and actually collected as aforesaid, the Surplus shall be forthwith rendered to the respective Persons from whom the same were so collected and received as aforesaid, or his, her or their respective legal Representatives.

If the first Estimate proves insufficient to defray the Expences, a second may be made.

CHAP. LXXXIX.

An ACT *for the more speedy Recovery of Debts to the Value of* Ten Pounds.

Passed 17th April, 1787.

I. BE *it Enacted by the People of the State of* New-York, *represented in Senate and Assembly, and it is hereby Enacted by the Authority of the same*, That from and after the first Day of *June* next, all Actions of Debt, Detinue, Account, Covenant, Trespass, and Trespass on the Case, wherein the Sum or Balance due, or Thing demanded, shall not exceed *Ten Pounds*, current Money of this State, shall be, and hereby are made cognizable before any Justice of the Peace of any City or County of this State; and every such Justice shall be, and hereby is respectively authorized and empowered, to hear, try and determine all such Causes and Actions, according to Law and Equity; and shall

All Actions for Debts not exceeding *Ten Pounds*, cognizable before Justices of the Peace.

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ſhall and may hold a Court for the Trial thereof, and is hereby veſted with all ſuch Power and Authority, for the Purpoſe aforeſaid, as is uſual in Courts of Record in this State; and ſhall ſign all Proceſs to be iſſued out of ſuch Court. *And further*, That every ſuch Juſtice of the Peace, upon Application to him made for the Recovery of any ſuch Debt, Damages or Demand, ſhall iſſue a Summons or Warrant, as the Caſe may require, directed to ſome Conſtable, or other proper Officer of the City, Town or Place where the Defendant dwells, or can be found, commanding him, when a Summons is iſſued, to ſummon the Defendant to appear before ſuch Juſtice, at a certain Time and Place in the ſame Summons to be expreſſed, not leſs than *ſix* nor more than *twelve* Days from the Time of iſſuing ſuch Summons, to anſwer the Plaintiff of the Plea in the ſame Summons to be mentioned; and when a Warrant is iſſued, then commanding the Conſtable or other Officer, to take the Defendant, and bring him or her forthwith before ſuch Juſtice, to anſwer the Plaintiff of the Plea in the ſame Warrant to be mentioned, and upon the Return of ſuch Summons, if the ſame be duly ſerved, or upon bringing the Defendant before ſuch Juſtice, by Virtue of any ſuch Warrant, or at ſuch other Time and Place, as the ſame Juſtice ſhall think reaſonable to appoint, not exceeding *ſix* Days thereafter, the ſame Juſtice ſhall proceed to hear and examine the Allegations and Proofs of the Parties, Plaintiff and Defendant, and within four Days thereafter, give Judgment thereon in ſuch Manner as ſhall appear to him to be agreeable to Law and Equity, together with Coſts of Suit, as hereafter allowed.

Juſtice how to proceed for the Recovery of Debts.

First Proceſs againſt Freeholders and Inhabitants having Families, to be by Summons.

II. *And be it further Enacted by the Authority aforeſaid*, That the firſt Proceſs againſt all Freeholders and Inhabitants having Families (except as hereafter is excepted) ſhall be by Summons, which ſhall be ſerved at leaſt *ſix* Days before the Time of Appearance mentioned therein, by reading the ſame Summons to the Defendant, and delivering to him or her a Copy thereof, when required, if he or ſhe ſhall be found, and if not, by leaving a Copy thereof at his or her Houſe or Place of Abode, in the Preſence of ſome one of the Family, of ſuitable Age and Diſcretion, who ſhall be informed of the Contents thereof; and the Conſtable or Officer ſerving ſuch Summons ſhall, upon the Oath of his Office, indorſe thereupon the Time and Manner he executed the ſame, and ſign his Name thereto. And in Caſe the Defendant does not appear at the Time and Place appointed in ſuch Summons, and it ſhall appear by the Return indorſed thereon, that the Summons was duly ſerved upon the Perſon of the Defendant, in the Manner aforeſaid, and no ſufficient Reaſon ſhall appear to the Juſtice, why the Defendant does not appear at the Time appointed, then the ſaid Juſtice who iſſued the ſaid Summons ſhall proceed to hear, and try and determine the Cauſe, in the ſame Manner as if the Defendant had appeared; but if ſuch Summons was ſerved only by leaving a Copy thereof at the Houſe or Place of Abode of the Defendant, as aforeſaid, and the Defendant does not appear at the Time and Place appointed in ſuch Summons, and no ſufficient Reaſon ſhall appear to the Juſtice, why the Defendant does not appear, then the ſaid Juſtice ſhall iſſue a Warrant againſt ſuch Defendant, in the Manner aforeſaid, and proceed as above directed, unleſs the Plaintiff ſhall elect to have a new Summons againſt ſuch Defendant. And in all Caſes where a ſufficient Reaſon ſhall appear to the Juſtice, why the Defendant does not appear at the Time and Place appointed in the Summons, the Juſtice ſhall give the Defendant ſuch further Time as he ſhall think reaſonable, and at ſuch Time ſo given the Juſtice ſhall and may proceed as aforeſaid.

How to be ſerved.

If the Defendant does not appear, and the Proceſs was ſerved on him perſonally, the Juſtice to proceed to Trial.

But if not perſonally ſerved, a Warrant or new Summons to be iſſued.

When a Warrant is iſſued, and the Juſtice who iſſued it is abſent, or unable to try the Cauſe, the next Juſtice may try it.

III. *Provided always, and be it further Enacted by the Authority aforeſaid*, That in all Caſes where a Warrant ſhall be iſſued by Virtue of this Act, and upon Service thereof, the Juſtice who iſſued the ſame ſhall be abſent, or unable

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unable to hear and try the Cauſe, it ſhall and may be lawful for the Conſtable, or other Officer ſerving ſuch Warrant, to carry the Defendant before the next Juſtice of the City or County where the Juſtice who iſſued the Warrant, ſhall reſide, and ſuch other Juſtice ſhall take Cognizance of, and hear, try and determine the Cauſe, in the ſame Manner as he could or might have done, if he had iſſued the Warrant, by Virtue of which the Defendant ſhall be taken; but in all other Caſes, where any Proceſs ſhall be iſſued in Purſuance of this Act, and ſerved on the Defendant, for any Debt, Damages or Demand, of what Nature ſoever, the Cauſe ſhall be tried before the Juſtice who firſt iſſued ſuch Proceſs, and not before any other Juſtice; and the Defendant, if he or ſhe has any Account or Demand againſt the Plaintiff in ſuch Action, ſhall and may plead and ſet off the ſame againſt the Debt or Demand of the Plaintiff.

In all other Caſes, he who iſſues the Proceſs ſhall try the Cauſe.

Defendant may ſet off any Demand againſt the Plaintiff.

IV. *And be it further Enacted by the Authority aforeſaid*, That if any Plaintiff, or his or her Attorney, ſo applying for Proceſs, ſhall prove, upon Oath, to the Satisfaction of the Juſtice, that if ſuch Proceſs be by Summons againſt any ſuch Freeholder or Inhabitant having a Family, the Plaintiff will be in Danger of loſing his Debt or Demand thereby, or doth really and ſincerely believe that ſuch Freeholder or Inhabitant will depart the City or County wherein he or ſhe doth reſide, then the Juſtice ſhall iſſue a Warrant, in ſuch Manner as is above directed.

When there is Danger of the Plaintiff's loſing his Debt, a Warrant may be iſſued.

V. *And be it further Enacted by the Authority aforeſaid*, That where any Parties ſhall agree to enter an Action before any Juſtice, without any Proceſs, the Juſtice ſhall proceed to Trial, in the ſame Manner as if a Summons or Warrant had iſſued.

By Agreement of Parties, Cauſe may be tried without Proceſs.

VI. *And be it further Enacted by the Authority aforeſaid*, That in all Caſes where a Warrant ſhall be iſſued, if the Plaintiff or Defendant ſhall require a longer Time than is firſt appointed by the Court, to try the ſaid Cauſe, and will, if required, give ſufficient Security to appear and ſtand Trial, on ſuch other Day as ſhall be appointed, then the Juſtice is hereby empowered and required to adjourn the Trial of ſuch Cauſe, to any Day he ſhall judge moſt convenient, not exceeding *twelve* Days, nor leſs than *three* Days, unleſs the Juſtice and Parties ſhall otherwiſe agree. *Provided always*, That where the Plaintiff in any Cauſe of Action to be brought by Virtue of this Act, ſhall be a Non-Reſident of the County, and ſhall give Security to pay the Debt or Damages, and Coſts of Suit, in Caſe Judgment ſhall be given againſt him, that then he may have a Warrant returnable immediately; and the Juſtice before whom ſuch Cauſe is to be tried, ſhall not adjourn the ſame for more than *three* Days, unleſs the Parties agree to allow a longer Time. And if any Adjournment be made without the Conſent of the Plaintiff, then the Defendant ſhall give ſufficient Security for his or her perſonal Appearance, on the Day to which ſuch Adjournment ſhall be made, and in Default of ſuch Appearance, to pay the Debt and Coſts, if Judgment ſhall be given againſt him or her; and in Default of giving ſuch Security, the Juſtice ſhall proceed to Trial without an Adjournment.

When a Warrant is iſſued, Trial may be adjourned at the Requeſt of either Party, on giving Security.

Plaintiff being a Non-Reſident, may have a Warrant on giving Security.

VII. *And be it further Enacted by the Authority aforeſaid*, That no Perſon ſhall be proceeded againſt by Summons, out of the City or County where he or ſhe does reſide.

No Perſon to be proceeded againſt by Summons out of his own City or County.

VIII. *And be it further Enacted by the Authority aforeſaid*, That in every Action that ſhall hereafter be brought in this State, by Virtue of this Act, it ſhall be lawful for either of the Parties to the Suit, or the Attorney of either of them, after Iſſue joined, (and before the Court ſhall proceed to enquire into the Merits of the Cauſe) to demand of the ſaid Court, that ſuch Action

Actions on this Act may be tried by a Jury.

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be tried by a Jury; and upon ſuch Demand, the ſaid Juſtice holding ſuch Court, is hereby required to iſſue a *Venire*, directed to any Conſtable, or other proper Officer, of the City, Town or Place where the ſaid Cauſe is to be tried, commanding him to ſummon *twelve* good and lawful Men, being Freeholders or Freemen of ſuch City, or being Freeholders of ſuch Town or Place, where the ſaid Cauſe is to be tried, and who ſhall be in no wiſe of Kin to the Plaintiff or Defendant, nor intereſted in ſuch Suit, to be and appear before ſuch Juſtice iſſuing ſuch *Venire*, at ſuch Time and Place as ſhall be expreſſed in ſuch *Venire*, to make a Jury for Trial of the Action between the Parties mentioned in the ſaid *Venire*; which Conſtable or Officer ſhall, at the Return of the ſaid *Venire*, return a Panel of Names of the Jurors he ſhall ſo ſummon by Virtue thereof, and the Names of each Perſon ſo impanelled, ſhall be written on ſeveral and diſtinct Pieces of Paper, as nearly of one Size as may be, and ſhall be delivered to the ſaid Juſtice, before whom ſuch Action is to be tried, by the Conſtable, or other Officer returning ſuch Panel, and ſhall, by the ſaid Conſtable, or other Officer, be rolled up, all as near as may be, in one and the ſame Manner, and put together in a Box, or ſome convenient Thing; and on the Trial of ſuch Cauſe, ſuch Juſtice, or ſuch indifferent Perſon as he ſhall appoint for that Purpoſe, ſhall draw out *ſix* of the ſaid Papers, one after another; and if any of the Perſons whoſe Names ſhall be ſo drawn, ſhall not appear, or ſhall be challenged and ſet aſide, then ſuch further Number thereof ſhall be drawn, as ſhall make up the Number of *ſix* who do appear, after all legal Cauſes of Challenge allowed by the ſaid Juſtice; unleſs the Parties agree that the ſaid Conſtable ſhall ſummon *ſix* Men at his Diſcretion; and the ſaid *ſix* Perſons ſo firſt drawn and appearing, and approved by the Court as indifferent, ſhall be the Jury who ſhall try the Cauſe, to each of whom the ſaid Juſtice ſhall adminiſter the following Oath:

Juſtice to iſſue a *Venire* to a Conſtable, to ſummon *twelve* Men.

Six of them to be ballotted for the Trial.

Parties may agree that Conſtable ſummon *ſix* at his Diſcretion.

Juror's Oath.

YOU *do ſwear, in the Preſence of Almighty God, That you will well and truly try the Matter in Difference between —— —— Plaintiff, and —— —— Defendant, and a true Verdict will give according to Evidence.*

AND after the ſaid Jury have taken the Oath aforeſaid, they ſhall ſit together, and hear the ſeveral Proofs and Allegations of the Parties, which ſhall be delivered in public, in their Preſence; and to each of the Witneſſes on the ſaid Trial, the ſaid Juſtice ſhall adminiſter the following Oath, *viz.*

Witneſſes Oath.

YOU *do ſwear, in the Preſence of Almighty God, That the Evidence you ſhall give in this Matter in Difference between —— —— Plaintiff, and —— —— Defendant, ſhall be the Truth, the whole Truth, and nothing but the Truth.*

Jury to be kept together after hearing the Evidence, until they agree on a Verdict.

AND after hearing the Proofs and Allegations, the Jury ſhall be kept together in ſome convenient Place, until they all agree upon a Verdict; and for which Purpoſe a Conſtable ſhall be ſworn, and to whom the ſaid Juſtice ſhall adminiſter the following Oath, *viz.*

Conſtable's Oath.

YOU *do ſwear, in the Preſence of Almighty God, That you will, to the Utmoſt of your Ability, keep every Perſon ſworn on this Inqueſt together in ſome private and convenient Place, without Meat or Drink; you will not ſuffer any Perſon to ſpeak to them, nor ſpeak to them yourſelf, unleſs by Order of the Juſtice, unleſs it be to aſk them whether they have agreed on their Verdict, until they have agreed on their Verdict.*

Juſtice to give Judgment according to the Verdict.

AND when the Jurors have agreed on their Verdict, they ſhall deliver the ſame to the Juſtice in the ſame Court, who is hereby required to give Judgment thereupon, and to award Execution in Manner herein after directed. *Provided always*, That no Oath of either Party, or *ex parte* Affidavit of any other Perſon, ſhall be allowed or given in Evidence in any ſuch Action, unleſs the Parties agree to allow of ſuch Evidence.

No *ex parte* Affidavit or Oath of Party, to be allowed without Conſent.

IX. *And*

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IX. *And be it further Enacted by the Authority aforeſaid*, That every Perſon ſummoned and drawn as a Juror, or ſubpœnaed as a Witneſs, who ſhall not appear, or appearing, ſhall refuſe to ſerve, or to give Evidence in any ſuch Action, ſhall forfeit and pay, for every ſuch Default or Refuſal, (unleſs ſome reaſonable Cauſe be proved, on Oath, to the Satisfaction of the ſaid Court) ſuch Fine or Fines, not exceeding the Sum of *Four Pounds*, nor leſs than *Five Shillings*, as the ſaid Court ſhall think reaſonable to impoſe; and the ſaid Court is hereby authoriſed and required to iſſue a Warrant to any Conſtable, or other proper Officer, to levy the ſame of the Goods and Chattels of the Offender, and for Want thereof, to take and convey him or her to the Gaol of the City or County wherein the Offence ſhall have been committed, or for Want of a Gaol in ſuch City or County, then to the neareſt Gaol, there to remain until he or ſhe pay ſuch Fine, together with the Coſts attending the ſame. And the Keeper of ſuch Gaol is hereby commanded to keep ſuch Offender in ſafe Cuſtody, in ſuch Gaol, until ſuch Fine, together with the Coſts, ſhall be paid. *Provided always*, That no ſuch Fine or Fines ſhall be impoſed, unleſs Oath ſhall firſt have been made, before the Court, by ſome credible Perſon, that ſuch Juror or Witneſs ſo in Default, hath been lawfully ſummoned or ſubpœnaed as aforeſaid; all and every of which ſaid Fines, when recovered, ſhall be delivered by the ſaid Court, to the Overſeers of the Poor, for the Uſe of the Poor of the Town or Place where the ſame ſhall be levied.

Penalty on Jurors and Witneſſes for Default, how to be recovered,

And applied.

X. *And be it further Enacted by the Authority aforeſaid*, That if the Plaintiff, other than Executors or Adminiſtrators, in any ſuch Action, ſhall be nonſuited, or diſcontinue, or withdraw his or her Action, without the Conſent of the Defendant, then Judgment ſhall be given againſt ſuch Plaintiff, for the Coſts accrued; or if he or ſhe ſhall appear to be indebted to the Defendant, then Judgment ſhall be given againſt him or her, for the Debt or Damages, and Coſts, as the Caſe may require; and whenever Judgment ſhall be given againſt either Plaintiff or Defendant, in any of the before mentioned Actions, the ſaid Court ſhall grant Execution thereupon, directed to one of the Conſtables, or other proper Officer of the City, Town or Place where the Party dwells, or can be found, commanding him to levy the Debt or Damages and Coſts, of the Goods and Chattels of the Perſon againſt whom ſuch Execution ſhould be granted; and for Want of ſufficient Goods and Chattels whereon to levy the ſame, to take the ‡ *Body* of the Perſon againſt whom ſuch Execution ſhall be granted, and him or her to convey to the Gaol of ſuch City or County; which ſaid Conſtable, or other proper Officer, after taking ſuch Goods and Chattels into his Cuſtody, by Virtue of ſuch Execution, ſhall immediately give public Notice, by an Advertiſement, ſigned by himſelf, and put up at three public Places in ſuch City, Town or Place where ſuch Goods and Chattels ſhall be taken, of the Time and Place when and where they will be expoſed to Sale, at leaſt *five* Days before the Time appointed for ſelling them, and therein deſcribe the Goods and Chattels ſo taken; and at the Time and Place ſo appointed for ſelling them, ſhall expoſe them to Sale by public Vendue, to the higheſt Bidder, and pay the Debt or Damages, and Coſts levied, to the Juſtice who iſſued the Execution, returning the Overplus, if any, to the Owner; and for Want of Goods and Chattels whereon to levy, the ſaid Conſtable, or other proper Officer, ſhall, according to the Tenor of the ſaid Execution, take the Body of the Perſon againſt whom the ſame Execution ſhall be granted, and convey and deliver him or her, to the Keeper of the common Gaol of the City or County, which Keeper is hereby commanded to keep ſuch Perſon in ſafe Cuſtody, in the common Gaol aforeſaid, until the Debt or Damages, with Coſts, ſhall be fully paid, or until he or ſhe ſhall be from thence delivered by due Courſe of Law. *Provided nevertheleſs*, That no Execution of any Judgment given by Virtue of this Act, ſhall iſſue againſt

Coſts how to be awarded, and Debt and Damages levied and paid.

‡ *Altered, 12th Seſſ. Ch. 24. Sec. 15.*

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againſt any Freeholder or Inhabitant having a Family, in leſs than *Forty* Days after giving the ſaid Judgment, unleſs the Party in whoſe Favour Judgment ſhall be given, ſhall make it appear to the Satisfaction of the ſaid Juſtice, on his or her own Oath, or the Oath of ſome other Perſon, that ſuch Plaintiff or Plaintiffs, will be in Danger of loſing the Debt or Damages, if ſuch Delay be allowed; in which Caſe the ſaid Juſtice ſhall iſſue Execution immediately, as herein before directed, unleſs the Party againſt whom ſuch Judgment ſhall be given, ſhall thereupon give Security to the Party in whoſe Favour Judgment was given, that he or ſhe will pay the Debt or Damages, and Coſts, before, or ſurrender himſelf or herſelf in Execution, at the Expiration of *Forty* Days.

Penalty on Conſtable for neglecting to levy Executions.

XI. *And be it further Enacted by the Authority aforeſaid*, That in Caſe any Conſtable, or other proper Officer to whom any Execution ſhall be delivered, ſhall not, within *thirty* Days after receiving ſuch Execution, levy the ſame on the Goods and Chattels of the Perſon againſt whom ſuch Execution ſhall be granted, and in *ten* Days thereafter pay the Debt and Coſts ſo levied, into the Hands of the Juſtice who iſſued the ſame, or in Caſe of his Death or Removal from Office, to the Perſon in whoſe Favour the Execution was granted; or if no Goods nor Chattels can be found, whereon to levy, then if the ſaid Conſtable or other Officer ſhall not take the Body of the Perſon againſt whom ſuch Execution was granted, if to be found, within *thirty* Days from the Receipt of ſuch Execution as aforeſaid; then, and in every ſuch Caſe, the ſaid Conſtable or other Officer, ſhall be holden to pay the Amount of ſuch Execution, to be recovered by an Action of Debt, with Coſts, by the Perſon in whoſe Favour ſuch Execution was granted, in which Caſe Execution ſhall iſſue forthwith. *Provided always*, That neither this Act, nor any Thing herein contained, ſhall be deemed or conſtrued to extend to any Action wherein the People of this State ſhall be concerned, or where the Title of any Lands ſhall, in any wiſe, come in Queſtion, or to any Action of Aſſault and Battery, or of Slander; not to Matters of Account where the Sum total of ſuch Accounts exceed in the Amount or Value thereof, the Sum of *Eighty Pounds*, and that Account proved to the Satisfaction of the ſaid Court.

If no Goods can be found whereon to levy Execution, then the Body of the Perſon to be taken.

To what Actions this Act does not extend.

Proceedings on a Plea of Title.

XII. *And be it further Enacted by the Authority aforeſaid*, That when in any Action of Treſpaſs to be brought by Virtue of this Act, the Defendant or Defendants ſhall juſtify on a Plea of Title, the Defendant or Defendants ſhall commit ſuch Plea of Juſtification to Writing, and having ſigned the ſame in the Preſence of ſuch Juſtice, ſhall deliver ſuch Plea to the Juſtice, who ſhall then counterſign the ſame, and deliver it to the Plaintiff or Plaintiffs; and that it ſhall and may be lawful to and for ſuch Plaintiff or Plaintiffs, to commence and proſecute an Action for ſuch Treſpaſs againſt ſuch Defendant or Defendants, in the Court of Common Pleas of the County in which ſuch Treſpaſs ſhall have been committed; and if ſuch Plaintiff or Plaintiffs ſhall recover any Damages in ſuch Action, the Defendant or Defendants ſhall be liable to pay to ſuch Plaintiff or Plaintiffs, double Coſts. And on every Trial to be had for ſuch Treſpaſs, the Plea ſigned by ſuch Defendant or Defendants, ſhall be concluſive Evidence that the Defendant or Defendants relied on his, her or their Title, to juſtify ſuch Treſpaſs. And that every Juſtice to whom a Plea of Juſtification ſhall be tendered, ſhall, before he ſhall receive ſuch Plea, exact from the Defendant or Defendants, together with one ſufficient Surety, a Recognizance in the Sum of *Twenty Pounds; Conditioned*, That if ſuch Plaintiff or Plaintiffs ſhall commence a Suit before the next Court of Common Pleas, for the Recovery of Damages for ſuch Treſpaſs, ſuch Defendant or Defendants ſhall appear, and put in ſpecial Bail in ſuch Court, within *twenty* Days after the firſt Day of the then next Term of the ſaid Court; and that in every Caſe in which ſuch Plea ſhall be tendered, and the Defendant or Defendants ſhall not forthwith enter ſuch Recognizance, the Juſtice ſhall proceed in the ſame Manner as if ſuch Plea had not been tendered.

XIII. *And*

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Penalties not exceeding *Ten Pounds*, cognizable before a Juſtice.

XIII. *And be it further Enacted by the Authority aforeſaid*, That all and every Sum and Sums of Money, not exceeding the Value of *Ten Pounds*, to be ſued for and recovered in any Court of Record, by Virtue of any Law of this State, ſhall be, and hereby are made cognizable before any one Juſtice of the Peace, in Manner aforeſaid; any Thing in this or any other Act to the Contrary in any wiſe notwithſtanding. *And alſo*, That where in any City, Town or Place, no Conſtable, or other proper Officer ſhall be choſen or appointed, or the Conſtable or other proper Officer be abſent, or where a Proceſs ſhall be iſſued againſt ſuch Conſtable or other proper Officer of any City, Town or Place; that then, and in ſuch Caſe, the Juſtice, upon Application made, ſhall and may direct the Proceſs or Execution to the Conſtable, or other proper Officer of the next adjoining Town or Place, living neareſt where the Defendant dwells, or can be found, who is hereby required to execute the ſame.

Where Proceſs to iſſue to the Conſtable of the next Town.

Conſtable to execute Proceſs in Perſon.

XIV. *And be it further Enacted by the Authority aforeſaid*, That when any Proceſs ſhall be iſſued by any Juſtice, by Virtue of this Act, the Conſtable of the City, Town or Place, to whom ſuch Proceſs ſhall be directed, ſhall proceed agreeable to this Act, and execute ſuch Proceſs in his own proper Perſon, unleſs the Juſtice who iſſued ſuch Proceſs ſhall, at the Requeſt of the Plaintiff, judge it expedient to depute ſome other proper Perſon who will voluntarily undertake to execute the ſame, without Fee or Reward; but no Perſon ſhall be ſo deputed to impannel or ſummon any Jury.

Coſts allowed.

XV. *And be it further Enacted by the Authority aforeſaid*, That no greater or other Coſts ſhall be allowed, taxed or taken, in Actions brought by Virtue of this Act, than the following: *Juſtices Fees*; A Summons, *Nine-pence*: A Warrant, *One Shilling*: Judgment, *One Shilling*: Adminiſtring every Oath, *Six-pence*: Subpœna for each Witneſs, *Six-pence*: Iſſuing the Venire Facias, to ſummon a Jury, *One Shilling and Six-pence*: Swearing the Jury, *One Shilling*: Every Execution, *One Shilling and Six-pence*. Every Witneſs attending and ſworn, *One Shilling*. Conſtable, or other proper Officer, for ſerving a Warrant or Summons, notifying the Plaintiff to Trial, or ſerving an Execution, Mileage for one Mile, or under, *One Shilling*; for every Mile more, *Six-pence*. *Provided*, That on all Precepts to be iſſued by Virtue of this Act, the Fees for ſerving be computed only from the Place of Abode of the Defendant, or where he ſhall be found, to the Place where the Precept is returnable: Serving every Execution, for every Pound, *One Shilling*: Summoning every Jury, *Three Shillings*. *Jurors Fees*: For all Cauſes tried, *One Shilling* per Man: When ſummoned and attending, and not trying the Cauſe, *Six-pence* per Man. To the Conſtable, or other Perſon ſerving Subpœna, *One Shilling* for each Witneſs. *Provided*, That the whole Coſts to be recovered or allowed in any Cauſe or Action, ſhall not exceed the Sum of, *Two Pounds*.

Who exempted from taking Cognizance of Cauſes.

XVI. *And be it further Enacted by the Authority aforeſaid*, That nothing herein contained ſhall extend to oblige any Juſtice of the Peace, being a Member of the Senate or Aſſembly, or any Judge of any County Court, to take Cognizance of any Actions by Virtue of this Act; but that they ſhall be at Liberty, at all Times, to act therein, or not, at their Diſcretion.

Writs of Certiorari how obtained.

XVII. *And be it further Enacted by the Authority aforeſaid*, That no Judgment, Order or Proceeding whatſoever, to be had or made by Virtue of this Act, ſhall be removed by any Writ of Error or falſe Judgment. *And further*, That no Juſtice of the Supreme Court ſhall grant or allow any Certiorari, or other Proceſs, to remove any Judgment, Order or Proceeding whatſoever, to be had by Virtue of this Act, unleſs the Party applying for ſuch Certiorari ſhall, within *thirty* Days after ſuch Judgment given, make Affidavit, ſatisfying ſuch Juſtice of the Supreme Court, that there is reaſonable Cauſe

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for granting ſuch Certiorari, to remove ſuch Judgment, either for Error therein, or for ſome unfair Practice of the Juſtice who ſhall have tried the Cauſe; which ſhall be particularly ſpecified in the ſaid Affidavit, and which Affidavit may be made before one of the Juſtices of the Supreme Court, or one of the Judges of the Court of Common Pleas of the County where ſuch Judgment ſhall be given, or before one of the Commiſſioners for taking Affidavits, to be read in the Supreme Court; and ſuch Affidavit ſhall be left with the Juſtice of the Supreme Court, who may allow ſuch Certiorari, in order that the adverſe Party may obtain a Copy thereof. And if any Certiorari, or other Writ, ſhall be granted or iſſued otherwiſe than is above mentioned, the ſame ſhall be void, and of none Effect. *And further*, That no Execution upon any Judgment to be given by Virtue of this Act, ſhall be prevented or ſtayed by any Certiorari, or other Writ, in Caſe the Party in whoſe Favour ſuch Judgment ſhall be given, ſhall give ſuch Security as may be ſatisfactory to the Juſtice by whom ſuch Judgment ſhall be given, to reſtore the Debt or Damages for which ſuch Judgment ſhall be obtained, with the Intereſt and Coſts, in Caſe ſuch Judgment ſhall be reverſed; and if any Judgment to be given by Virtue of this Act, ſhall be removed into the Supreme Court, by Certiorari or otherwiſe, and be there confirmed, then the Party procuring ſuch Certiorari, ſhall pay to the adverſe Party, all Coſts of defending ſuch Suit in the Supreme Court, to be taxed; and the Party entitled to ſuch Coſts, ſhall and may have Execution for the ſame, out of the ſaid Supreme Court, againſt the Body, or Goods and Chattels of the Party who ought to pay the ſame: But if ſuch Judgment ſhall be reverſed, then the Party procuring ſuch Certiorari, ſhall, in like Manner, recover his or her Coſts, to be taxed and recovered as aforeſaid.

Not to ſtay Execution, if the Party gives Security to Reſtore.

Coſts on Affirmance, or Reverſal of Judgment, and how recovered.

Defendants neglecting to ſet off their Accounts, precluded from recovering them in any other Action,

XVIII. *And be it further Enacted by the Authority aforeſaid*, That in all Cauſes to be brought in Purſuance of this Act, if the Defendant or Defendants in ſuch Suit or Action, ſhall neglect or refuſe to plead and give in Evidence, his, her or their Account or Demand, if any he, ſhe or they have, againſt ſuch Plaintiff or Plaintiffs, then the Defendant or Defendants, ſo neglecting or refuſing to plead and give in Evidence, his, her or their Accounts or Demands as aforeſaid, ſhall forever thereafter be precluded from having or maintaining any Action or Actions againſt ſuch Plaintiff or Plaintiffs, for the Recovery of ſuch Account or Demand, or any Part thereof. *Provided always*, That where the Balance found to be due to the Defendant exceeds the Sum of *Ten Pounds*, that in every ſuch Caſe the Defendant ſhall not be precluded or barred from recovering his Account or Demand againſt ſuch Plaintiff, in any other Court of Record having Cognizance of the ſame.

Unleſs the Balance exceeds *Ten Pounds*.

When a Juſtice may poſtpone a Trial.

XIX. *And be it further Enacted by the Authority aforeſaid*, That in Caſe the Defendant ſhall make Oath that he or ſhe cannot, for Want of ſome material Evidence or Witneſs, ſafely proceed to Trial, the Juſtice ſhall, in ſuch Caſe, poſtpone the Trial for ſuch reaſonable Time as will enable the Defendant to procure ſuch Evidence or Witneſs; provided, ſuch Time ſhall not exceed *three Months*. *And Provided alſo*, That ſuch Defendant or Defendants, before he, ſhe or they ſhall be entitled to have the Trial poſtponed as aforeſaid, ſhall give Security to the ſaid Juſtice, to appear and anſwer the ſaid Action, and to pay the Debt and Damages, and Coſts, in Caſe Judgment ſhall be given againſt him, her or them. *Provided alſo*, That in any Suit or Action to be brought by Virtue of this Act, if either the Plaintiff or Defendant ſhall requeſt an Adjournment, he ſhall not be entitled thereunto, unleſs the Party requeſting ſuch an Adjournment (after having ſeen the Account or Demand of the adverſe Party) ſhall, if required, exhibit his or her Account or Demand, or ſtate the Nature thereof, as far forth as may be in his or her Power, to the Satisfaction of the Juſtice before whom the Cauſe is to be tried; any Thing in this Act to the Contrary notwithſtanding.

XX. *And*

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Council to appoint Assistant Justices in the City of *New-York*.

XX. *And be it further Enacted by the Authority aforesaid*, That it shall and may be lawful for the Person administring the Government of this State for the Time being, by and with the Advice and Consent of the Council of Appointment for the Time being, by Commission under the Great Seal, from Time to Time, to constitute and appoint such and so many proper Persons in the City and County of *New-York*, as they may think necessary, to hear, try and determine Causes in the said City and County, by Virtue of this Act, by the Name of, *Assistant Justices*; and each and every of the Persons so constituted and appointed, shall be, and hereby are vested with the like and the same Power and Authority, in the same City and County, with Respect to hearing, trying and determining Causes of the Value of *Ten Pounds* and under, as are given to, or vested in the Justices of the Peace in the several Counties of this State, by Virtue of this Act.

No Justice keeping a Tavern, to try any Cause.

XXI. *And be it further Enacted by the Authority aforesaid*, That no Justice of the Peace, nor any Person so to be constituted and appointed as aforesaid, being a Tavern-Keeper, or Inn-Keeper, shall try any Cause by Virtue of this Act.

Constables in *Albany*, *Ulster*, *Suffolk*, *Orange*, *Montgomery*, *Washington* and *Richmond*, to execute Process in any Part of the County.

XXII. *And be it further Enacted by the Authority aforesaid*, That it shall and may be lawful to and for any Constable in the Counties of *Albany*, *Ulster*, *Suffolk*, *Orange*, *Montgomery*, *Washington* or *Richmond*, to execute any Summons or Precept to be issued in Pursuance of, and by Virtue of this Act, in any City, Town, Manor, District or Precinct, in the County in which such Summons or Precept was issued, although the Defendant or Defendants shall not reside in, or be found in the City, Town, Manor, District or Precinct, in and for which such Constable shall be elected; any Thing in this Act contained to the Contrary thereof in any wise notwithstanding.

Attornies in Suits brought by Virtue of this Act, to plead without Fee.

XXIII. And *whereas* sundry Persons make a Practice of pleading in Courts held by a Justice, and because of the Emoluments therefrom arising, are induced to promote Suits; For the Prevention whereof, *Be it further Enacted by the Authority aforesaid*, That no Person so practising, shall be permitted by any Justice to prosecute, defend, plead or counsel, in any Suit or Action to be tried by Virtue of this Act, unless such Person so offering or appearing to prosecute, defend, plead or give Counsel as aforesaid, shall previously swear, before such Justice, that he has not received or taken any Fee or Reward for the same, either directly or indirectly, nor any other Person to or for his Use; and that he will not, directly or indirectly, receive or take any Fee or Reward for the same, either by himself, or by any other Person, to or for his Use.

† 5*th Sess. Ch.* 36.

‡ 8*th Sess. Ch.* 58.

‖ 9*th Sess. Ch.* 33.

Former Acts repealed.

XXIV. *And be it further Enacted by the Authority aforesaid*, That the Act, entitled, † *An* Act *to empower Justices of the Peace, Mayors, Recorders and Aldermen, to try Causes to the Value of* Ten Pounds *and under, and to repeal sundry Acts therein mentioned*, together with the several Acts therein mentioned; and the Act, entitled, ‡ *An* Act *supplementary to the Act, entitled, An* Act *to impower Justices of the Peace, Mayors, Recorders and Aldermen, to try Causes to the Value of* Ten Pounds *and under, and to repeal sundry Acts therein mentioned*, and the seventh enacting Clause of the Act, entitled, ‖ *An* Act *to compel Collectors and Constables to give Security*, shall be, and hereby are, from and after the first Day of *June* next, repealed; but all Suits which shall be commenced before the said first Day of *June* next, and be then depending before any Mayor, Recorder, Alderman or Justice of the Peace within this State, by Virtue of any of the Acts hereby repealed, shall and may be prosecuted to Judgment and Execution, as fully and effectually as if this Act had not been made.

CHAP.

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CHAP. XC.

An ACT *to repeal the Laws relative to Buildings in the City of* New-York.

Paſſed 18th April, 1787.

BE *it Enacted by the People of the State of* New-York, *repreſented in Senate and Aſſembly, and it is hereby Enacted by the Authority of the ſame,* That the Act, entitled, *An* Act *for the more effectual Prevention of Fires, and for regulating of Buildings in the City of* NEW-YORK, and the Act, entitled, *An* Act *to amend an Act for the more effectual Prevention of Fires, and for regulating of Buildings in the City of* NEW-YORK, ſhall be, and hereby are repealed.

CHAP. XCI.

Private.

An ACT *to naturalize the Perſons therein named.*

Paſſed 18th April, 1787.

CHAP. XCII.

‡ *9th Seſſ. Ch.* 25.

An ACT *to amend an Act, entitled,* ‡ *An* Act *to regulate the Militia.*

Paſſed 18th April, 1787.

Light-Infantry of any Brigade or Regiment, may uniform in Rifle-Frocks and Overalls.

I. BE *it Enacted by the People of the State of* New-York, *repreſented in Senate and Aſſembly, and it is hereby Enacted by the Authority of the ſame,* That it ſhall and may be lawful to and for the Brigadier, or commanding Officer of any Brigade, and the commanding Officer of any Regiment not annexed to any Brigade reſpectively, if he ſhall deem it expedient, to direct the Light-Infantry of ſuch Brigade or Regiment, to uniform themſelves in Rifle-Frocks and Overalls.

Annual Trainings may be by Regiments, on Regimental Parades.

Where Adjutant-General to inſpect them.

Light-Infantry, Cavalry and Artillery to do Duty together.

How long to continue in Service.

II. *And be it further Enacted by the Authority aforeſaid,* That inſtead of the annual Training by Brigades, directed in and by the ſaid Act, entitled, *An* Act *to regulate the Militia*, it ſhall and may be lawful for one or more of the Regiments of any Brigade, if the Brigadier, or commanding Officer of the Brigade ſhall direct it, to rendezvous ſeparately at ſuch of their Regimental Parades, as ſhall be deſignated in Brigade Orders for that Purpoſe; at which Parades the Adjutant-General ſhall attend, and perform the Duties enjoined on him in and by the ſaid Act, with Reſpect to the Brigades. That the Light-Infantry Companies of ſuch Regiments as may be excuſed from attending at the Brigade Parade, ſhall rendezvous with their reſpective Regiments, and ſhall, together with the Cavalry and Artillery Companies of ſuch Brigade, perform the like Duties as are in and by the ſaid Act required, unleſs otherwiſe directed by the Brigadier, or commanding Officer of the Brigade. *Provided,* That inſtead of the Light-Infantry, Cavalry and Corps of Artillery continuing *four* Days in Service, they ſhall not be compelled to continue together any longer than the other Militia.

Rank to be ſettled by a Board of Officers.

III. AND *whereas* Diſputes have ariſen reſpecting the Rank of commiſſioned Officers of the ſame Grade, appointed on the ſame Day, and the mode preſcribed in and by the ſaid Act, is, in many Caſes, found inexpedient, and productive of Inconveniences: Therefore, *Be it further Enacted by the Authority aforeſaid,* That inſtead of the Rank of Officers of the ſame Grade being determined by the numbering of their Commiſſions, as directed in and by the Act hereby to be amended, it ſhall and may be lawful to and for the Commander in Chief, from Time to Time, whenever he ſhall deem it neceſſary, to appoint a Board of Officers, conſiſting of not leſs than *three*, to determine and report to him reſpecting any Diſpute concerning Rank which

which ſhall or may have ariſen; which Report being approved by the Commander in Chief, ſhall eſtabliſh ſuch diſputed Rank, according to the Determination of ſuch Board.

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IV. *And be it further Enacted by the Authority aforeſaid*, That the fifth Section of the ſaid hereby amended Act, ſhall be, and the ſame is hereby repealed.

Part of a former Law repealed.

V. *And be it further Enacted by the Authority aforeſaid*, That when and as often as *Forty* Men of the enrolled Militia in the City and County of *New-York*, (excepting ſuch as ſhall be enrolled in the Cavalry, Artillery or Light-Infantry) ſhall incline to arm, accoutre and uniform themſelves as a Company of Grenadiers, it ſhall and may be lawful to and for the Brigadier, or Officer commanding the Brigade within the Limits of which any ſuch Company ſhall be inclined to form, to direct ſuch Company to be formed, and to be officered by ſuch Captain, Lieutenant and Enſign of the Regiment in which ſuch Company ſhall be propoſed to be formed, as a Majority of the Field-Officers of ſuch Regiment ſhall chooſe for that Purpoſe. And every ſuch Company ſo formed, ſhall be conſidered as one of the Companies compoſing ſuch Regiment; and after ſuch Eſtabliſhment thereof, be armed, accoutred and uniformed as Grenadiers, and do and perform the like Services, and be ſubject to the Penalties as are directed and preſcribed in and by the Act hereby amended, reſpecting the Light-Infantry.

Grenadier Companies how to be formed.

VI. *And be it further Enacted by the Authority aforeſaid*, That all Captains, Lieutenants and Enſigns of the enrolled Militia, except in the Cities of *New-York* and *Albany*, who ſhall be hereafter appointed, ſhall reſide in the Beats of the reſpective Companies to which they are appointed.

Company Officers to reſide in their Beats, except in *New-York* and *Albany*.

VII. *And be it further Enacted by the Authority aforeſaid*, That all Fines which ſhall be impoſed in any Regiment, Corps, Company or Troop, ſhall be paid into the Hands of the Paymaſter, or Perſon acting as ſuch, of ſuch Regiment, Corps, Company or Troop, and be paid and appropriated by Warrant under the Hands of a major Part of the Field-Officers, or the commanding Officer of the Corps, or Captain or commanding Officer of the Company or Troop, as the Caſe may be, for the Purpoſes of providing Colours, Drums and Fifes, for their reſpective Regiments, Corps, Companies and Troops, and for the purchaſing and providing Arms and Accoutrements for ſuch of the Men of the ſame reſpective Regiments, Corps, Companies and Troops, as are or ſhall be unable to furniſh and provide themſelves therewith; and that it ſhall be the Duty of the Paymaſter, or Perſon acting as ſuch, of each reſpective Regiment, Corps, Company or Troop, once in every Year, to render an Account to the Brigadier, or Officer commanding the Brigade, of all his Receipts and Expenditures, in Purſuance of this Act.

Fines to be applied by the Field Officers, or Commandant of a Regiment or Corps.

Paymaſter to account annually to the Brigadier.

VIII. *And be it further Enacted by the Authority aforeſaid*, That the Proviſion contained in the ſeventeenth Section of the ſaid Act, entitled, *An* Act *to regulate the Militia*, and the Proviſo thereto annexed, relative to Perſons who have ſerved as Officers in the Line of the Army of the United States, during the late War, is hereby extended to all Officers who have heretofore ſerved in the Militia of this State, or in the Militia of the late Colony of *New-York*.

Former Exceptions extended.

See 11th Seſſ. Ch. 95. Sec. 31.

CHAP. XCIII.

An ACT *for the Relief of* Theodoſius Fowler, *and others*.

Private.

Paſſed 18th April, 1787.

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† 6*th Seſſ. Ch.* 1.
‡ 8*th Seſſ. Ch.* 12.

CHAP. XCIV.

An ACT *to amend an Act, entitled,* † *An* Act *relative to Debts due to Perſons within the Enemy's Lines; and another Act, entitled, An* Act *to explain and amend the Act, entitled,* ‡ *An* Act *relative to Debts due to Perſons within the Enemy's Lines, paſſed* 12*th* July, 1782.

Paſſed 20th April, 1787.

Debtors in certain Caſes diſcharged from Intereſt from 1ſt *Jan.* 1776, to 1ſt *May*, 1786.

I. BE *it Enacted by the People of the State of* New-York, *repreſented in Senate and Aſſembly, and it is hereby Enacted by the Authority of the ſame,* That all Perſons deſcribed in the fifth Section of the ſaid firſt mentioned Act, and the Executors and Adminiſtrators of ſuch Perſons, indebted by ſimple Contract, Bill ſingle or penal, or any other Obligation, Mortgage, Security or Demand whatſoever, to any Perſon or Perſons deſcribed in the ſaid fifth Section of the Act aforeſaid, or to the Executors or Adminiſtrators of ſuch Perſon or Perſons, ſhall be, and hereby are diſcharged from any Intereſt which may have become due upon any ſuch Contract, Bill, Obligation, Mortgage or Securities, ſince the *firſt* Day of *January*, One Thouſand Seven Hundred and Seventy-ſix, incluſively, to the *firſt* Day of *May*, in the Year One Thouſand Seven Hundred and Eighty-ſix. *Provided*, That nothing in this Clauſe contained, ſhall be deemed to operate as a Diſcharge of any Intereſt which may have accrued on any ſuch Bill, Obligation, Mortgage or other Security, executed ſince the *firſt* Day of *January*, One Thouſand Seven Hundred and Seventy-ſeven.

Not to extend to Contracts made after 1ſt *January*, 1777.

Debts, after ſuch Deduction, to be paid by Inſtalments.

II. *And be it further Enacted by the Authority aforeſaid,* That the ſaid Perſons ſo indebted as aforeſaid, their Executors or Adminiſtrators, ſhall be obliged to pay the Debts or Sums by them owing (after ſuch Deduction of Intereſt as aforeſaid) to the Perſon or Perſons aforeſaid, their Executors or Adminiſtrators, in the lawful current Money of this State, in three yearly Inſtalments and not otherwiſe; *to wit*: One third Part thereof on or before the *firſt* Day of *May*, in the Year One Thouſand Seven Hundred and Eighty-eight; another third Part thereof on or before the *firſt* Day of *May*, in the Year One Thouſand Seven Hundred and Eighty-nine; and the other third Part thereof on or before the *firſt* Day of *May*, in the Year One Thouſand Seven Hundred and Ninety; with Intereſt upon the Amount of ſuch Debts or Sums now due (after ſuch Deduction as aforeſaid) from the ſaid *firſt* Day of *May*, in the ſaid Year One Thouſand Seven Hundred and Eighty-ſix; any Law, Contract or Uſage to the Contrary thereof in any wiſe notwithſtanding. *Provided always*, That in Caſe Default ſhall be made in the Payment of either of the ſaid yearly Inſtalments, and not ſooner, it ſhall be lawful for the Creditor or Creditors of the Perſon or Perſons making ſuch Default, to proſecute for his, her or their Debt or Demand, in the ſame Manner as if this Act and the Acts herein before mentioned, had never been paſſed; but there ſhall not be levied, by Virtue of any Execution, upon any Judgment, Sentence or Decree thereupon obtained, any other or greater Sum than the Amount of the Inſtalment or Inſtalments, with the Intereſt thereon, in Reſpect to which Default ſhall have been made; and no Foreclоſure of any Mortgage ſhall operate as a Bar to any Equity of Redemption, till after the ſaid *firſt* Day of *May*, in the ſaid Year One Thouſand Seven Hundred and Ninety; but it ſhall be lawful in every ſuch Caſe, for the Chancellor to direct a Sale of ſo much of the ſaid mortgaged Premiſes as will be ſufficient to ſatisfy the Inſtalment or Inſtalments which ſhall have become due, and the Intereſt thereon.

Condition on which ſuch Time of Payment is given.

Provided alſo, That the ſaid Time given as aforeſaid, for the Payment of ſuch Debts or Demands, in Caſes where the Creditor or Creditors has or have no Mortgage or other Security upon any Lands, Tenements or Hereditaments, ſhall be, and the ſame hereby is upon the *expreſs Condition*, that the Debtor or Debtors, his, her or their Heirs, Executors or Adminiſtrators, as the

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Case may be, shall, within *six* Months from the passing of this Act, either give to the Creditor or Creditors, good real or personal Security for the Amount of the Debt or Demand, to the Satisfaction of such Creditor or Creditors, or shall deposit with, or tender to such Creditor or Creditors, if within this State, and to be found, or if not within this State, in the Hands of the Treasurer of this State, for the Benefit of such Creditor or Creditors, by Way of collateral Security for his, her or their Debt or Demand, the full Amount of the Principal and Interest thereof, without such Deduction as aforesaid, in the Certificates issued or to be issued by the Treasurer of this State; in Default whereof, it shall be lawful for such Creditor or Creditors to prosecute for his, her or their Debt or Demand, in the same Manner as if this Act, or the Acts hereby intended to be amended, had never been passed. *Provided further*, That if such Creditor or Creditors shall be willing to accept the Payment of the Whole of the Principal and Interest of his, her or their Debt or Demand, without such Deduction as aforesaid, in any of the Certificates or Sureties aforesaid, and shall notify the same to his, her or their Debtor or Debtors; and if such Debtor or Debtors shall not make Payment according to such Notification, within *six* Calendar Months thereafter; then, and in every such Case, it shall be lawful for such Creditor or Creditors to proceed in the same Manner as if this Act, or the Acts hereby intended to be amended, had never been passed. *And Provided further*, That nothing herein contained shall be construed to extend to any Persons, Creditors or Debtors, not comprehended in the Acts aforesaid, except in Cases of the Assignment of any Bond, Bill, Obligation, Mortgage, Security or Demand whatsoever, made to any Person or Persons whomsoever, by any Person who has remained with, gone into, or was sent within the Enemy's Lines, during the late War. *And Provided further*, That the same shall be deemed to extend to the Executors and Administrators of all such Persons being now deceased, to whom the same would extend if such Persons were in full Life, whether the said Persons died before or since the passing of the said first mentioned Act. *Provided nevertheless*, That the same shall not be deemed to extend to any Subjects of the King of *Britain*, comprehended in the Treaty of Peace between the United States of *America*, and the said King.

The Creditor may receive his whole Debt in Certificates.

This Act not to extend to any Persons not comprehended in the former Acts, except in Cases of Assignments.

To extend to Executors & Administrators;

But not to *British* Subjects.

III. *And be it further Enacted by the Authority aforesaid*, That all such Parts of the said Acts last mentioned, as are in any wise repugnant to the true Intent and Meaning of this Act, be, and the same are hereby repealed.

Former Acts repealed.

CHAP. XCV.

An ACT *to amend an Act, entitled,* ‡ *An* Act *for the better laying out, regulating and keeping in Repair, all common and public Highways and private Roads, in the Counties of* Ulster, Orange, Dutchess, Washington, Westchester, Albany *and* Montgomery.

‡ *7th Sess. Ch.* 52.

Passed 20th April, 1787.

I. BE *it Enacted by the People of the State of* New-York, *represented in Senate and Assembly, and it is hereby Enacted by the Authority of the same*, That the Justices of the City and County of *Albany*, and Counties of *Montgomery* and *Columbia* respectively, shall, at the next General Sessions of the Peace in and for the said Counties respectively, which shall be held after the *first* Tuesday of *September* next, or at any General Sessions of the Peace within *six* Months thereafter, appoint for each Town in such Counties, instead of the Commissioners directed to be elected by Virtue of the said Act hereby intended to be amended, of the Freeholders actually residing in such Towns, not more than *five*, nor less than *three* Commissioners of the Highways.

Sessions of *Albany*, *Montgomery* and *Columbia*, to appoint Commissioners of Highways. *See 11th Sess. Ch.* 64. *Sec.* 7.

II. *And*

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Their Duty.

II. *And be it further Enacted by the Authority aforeſaid*, That it ſhall be, and it is hereby expreſsly made the Duty of the Commiſſioners of Highways, in every Town in the ſaid Counties, to cauſe all public Roads in ſuch reſpective Counties, to be opened and extended, within *ſix* Months after the paſſing of this Act, to the Breadth of two Rods at the leaſt; and that no Compenſation ſhall be made to any Proprietor or Proprietors of any Land which ſuch Roads ſhall include, in Conſequence of ſuch Opening or Extenſion.

When they may lay out Highways through any Garden or Orchard.

III. *And be it further Enacted by the Authority aforeſaid*, That it ſhall and may be lawful to and for the Commiſſioners of the Highways, to lay out acroſs or through any Garden or Orchard, any public Road or Highway, unleſs ſuch Orchard ſhall be of the Growth of at leaſt *four* Years, or ſuch Garden ſhall have been cultivated as ſuch, at leaſt *four* Years before ſuch Road or Highway ſhall be laid out.

Roads to be *four* Rods wide.

IV. *And be it further Enacted by the Authority aforeſaid*, That all public Roads or Highways hereafter to be laid out by Virtue of the Act hereby amended, ſhall be *four* Rods wide at the leaſt.

Overſeers of the Highways in *Albany*, *Montgomery* & *Waſhington*, may cauſe Inhabitants to work more Days than they are rated.

V. *And be it further Enacted by the Authority aforeſaid*, That whenever any Road Diſtrict in the Counties of *Albany*, *Montgomery* and *Waſhington*, ſhall require a greater Number of Days-Work to make or repair any of the Roads in any of the ſaid Counties, than are or ſhall be rated on the Inhabitants of ſuch Road Diſtrict, by the Commiſſioners, at their annual Meeting, agreeable to the Directions contained in the fifth Section of the Act hereby amended, that then, and in ſuch Caſe, it ſhall and may be lawful for the Overſeers of any ſuch Road Diſtrict, to cauſe the ſeveral Perſons on his Liſt named, to work a further Number of Days, in Proportion to the Number of Days ſuch Perſons ſhall have been reſpectively rated as aforeſaid; any Thing in any former Law to the Contrary notwithſtanding.

Diſputes concerning Roads extending from one County into another, how to be ſettled.

VI. And *whereas* in and by the Act hereby intended to be amended, no Proviſion is made in Caſes where any Diſpute may ariſe about the Roads between adjoining Counties; For Remedy whereof, *Be it Enacted by the Authority aforeſaid*, That whenever any Diſpute ſhall ariſe about any Road leading or extending, or intended to extend from one County into another County, it ſhall and may be lawful for the Commiſſioners of the Highways in the Town aggrieved, to apply to any one Juſtice of the Peace of the County, who is hereby required to iſſue his Precept, directed to the Sheriff of ſuch County, requiring and commanding him to ſummon *twelve* Freeholders, not intereſted in the Road ſo in Diſpute, to be and appear before him, at a Time and Place to be mentioned in ſuch Precept; and the ſaid Juſtice ſhall give Notice in Writing under his Hand, to ſome one Juſtice of the Peace in the adjoining County, with which the Diſpute ſubſiſts, who is alſo hereby required to iſſue his Precept to the Sheriff of ſuch County, who ſhall alſo ſummon *twelve* ſufficient Freeholders as aforeſaid; and the ſaid Juſtices ſhall agree on a Day certain, not more than *Twenty*, nor leſs than *five* Days from the Date of ſuch Precept, when and where they ſhall meet; and the ſaid Juſtices, Freeholders, Commiſſioners and Sheriff, being ſo met, the ſaid Juſtices ſhall proceed to draw, by Ballot, *ſix* of ſuch Freeholders out of each *twelve* ſo ſummoned from the two Counties; and when *ſix* Men from each Liſt ſhall be ſo drawn, and ſworn by one of the Juſtices, well, truly and impartially to determine the Matter in Diſpute, reſpecting the moſt convenient Place for ſuch Road to croſs the Line which divides ſuch Counties, they ſhall be one Jury, notwithſtanding they are ſummoned from different Counties; and ſuch Jury, together with the two Juſtices, the Commiſſioners and Sheriff, ſhall proceed to view the Road

so in Dispute, and when the said Jury shall have carefully viewed the Premises aforesaid, and heard the Proofs and Allegations of the contending Parties, they shall go together in some convenient Place, and after any nine or more of them shall agree on a Verdict, they shall deliver the same in Writing, under their respective Hands and Seals, to the said Justices, who shall also subscribe the same; which Verdict shall be lodged in the Office of the Clerk of such County where the Complaint was first made, there to be entered of Record; and the said Justices shall make two other Copies of the said Verdict, and shall deliver one of them to the Clerk of the one Town, and the other to the Clerk of the other Town, through which the said Road shall be so established in the different Counties between which such Dispute did subsist; and the Clerks of such Towns shall respectively enter the same in the Records of such Towns; after which it shall be the Duty of the Commissioners in the respective Towns, to open such Road agreeable to the Verdict of the Jury aforesaid, and cause the same to be repaired as other public Roads in any such County are repaired: *Provided*, That this Clause shall only extend to the Counties of *Albany*, *Washington* and *Montgomery*.

This Clause to extend to *Albany*, *Montgomery* and *Washington* only.

VII. *And be it further Enacted by the Authority aforesaid*, That if any Justice, Commissioner, Sheriff or other Person, shall neglect or refuse to do, execute or perform any of the Duties hereby enjoined on him or them by this Act, such Person or Persons shall respectively forfeit the Sum of *Two Pounds*, to be recovered by any Overseer of the Highways in the Town where such Default shall have been, before any Justice of the Peace in either of said Counties, with Costs; and when recovered to be applied towards repairing the public Roads in the Town where such Neglect or Refusal shall have happened, in the Manner directed in and by the Act hereby amended.

Penalty on Justices, &c. for Neglect of Duty.

CHAP. XCVI.

An ACT *for Partition of the Lands therein mentioned, among the Devisees of* John Bradstreet *and* Martha Bradstreet, *in the Proportions directed by their respective Wills, and for other Purposes therein mentioned.*

Private.

Passed 20th April, 1787.

CHAP. XCVII.

An ACT *to regulate the Circulation of Copper Coin.*

Passed 20th April, 1787.

I. BE *it Enacted by the People of the State of* New-York, *represented in Senate and Assembly, and it is hereby Enacted by the Authority of the same*, That from and after the first Day of *August* next, no Coppers shall pass current in this State, except such as are of the Standard and Weight of, *One third Part of an Ounce Averdupois*, of pure Copper, which Coppers shall pass current at the Rate of, *Twenty to a Shilling*, of the lawful current Money of this State, and not otherwise.

After 1st *August*, 1787, Coppers to pass at the Rate of *Twenty to a Shilling*, and to weigh *one Third of an Ounce Averdupois*.

II. *And be it further Enacted by the Authority aforesaid*, That if any Person or Persons shall, after the said first Day of *August* next, offer in Payment any Copper Coin, other than of the Standard and Weight aforesaid, such Copper Coin shall be liable to be seized, and shall be forfeited to the Use of the Person or Persons who shall seize the same. And it shall be lawful for any Person or Persons, to whom such offer of Payment shall be, to seize and take such Copper Coin; and the Person or Persons making such Seizure, shall forthwith give Information thereof, and shall deliver the Coppers so seized, to some Justice of the Peace of the City or County in which such Seizure shall have been made, and the said Coppers shall remain in the Custody of such Justice of the Peace, for the Space of *Ten* Days, and if not claimed within

Coppers of less Weight, if tendered in Payment, forfeited.

Proceedings in Case of Forfeiture.

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that Time, ſhall be adjudged to be forfeited, and ſhall be returned to the Perſon or Perſons who delivered the ſame to ſuch Juſtice of the Peace. And the Perſon or Perſons ſeizing ſuch Coppers, ſhall, on the Requeſt of the Perſon or Perſons offering the ſame in Payment, give Information of the Name of the Juſtice, to whom they ſhall have been delivered. And in Caſe the ſaid Coppers ſhould be claimed, and the Legality of the Seizure controverted, it ſhall be lawful for ſuch Juſtice, to hear and determine the ſame, in a ſummary Manner: *Provided*, The Sum for which ſuch Coppers ſhall have been offered in Payment, do not exceed the Sum of *Forty Shillings*; but if the ſame ſhall exceed the Sum of *Forty Shillings*, then the ſaid Juſtice of the Peace, if either of the Parties require it, ſhall take to his Aſſiſtance, two able and ſufficient Freeholders, who, under Oath, ſhall, with ſaid Juſtice, ſummarily hear and determine the ſaid Claim and Controverſy, and their Judgment in the Caſe ſhall be final between the Parties. And the ſaid Juſtice ſhall, after ſuch Determination, deliver the Coppers depoſited with him, to ſuch of the ſaid Parties as ſhall be adjudged to be entitled to the ſame, according to the true Intent and Meaning of this Act: *Provided*, That nothing in this Act contained, ſhall be conſtrued to extend to any Copper Coin to be ſtruck by the United States of *America* in Congreſs aſſembled.

Not to extend to Coppers ſtruck by the United States.

III. *And be it further Enacted by the Authority aforeſaid*, That if any Perſon or Perſons ſhall paſs, or offer to paſs in Payment, any Coppers of baſe Metal, or of a Standard or Weight different from that which is hereby permitted to paſs, knowing the ſame to be of ſuch baſe Metal, or of ſuch different Standard or Weight, ſuch Perſon or Perſons ſhall forfeit *Five* Times the Value of the Sum, for which ſuch Coppers ſhall be ſo offered or paſſed in Payment, to be recovered, with Coſts of Suit, before any Juſtice of the Peace, by any Perſon that will ſue for the ſame; which Juſtice is hereby fully empowered and required ſummarily to hear and determine the ſame, and to award Execution thereupon, if the ſaid Forfeiture ſhall not amount to more than *Six Pounds*, current Money of this State; but if ſuch Forfeiture ſhall amount to more than that Sum, then to be recovered, with Coſts of Suit, in any Court of Record within this State, by Action of Debt, Bill or Information; in either Caſe to the Uſe of the Perſon or Perſons who will ſue for the ſame.

Penalty for paſſing bad Coppers.

CHAP. XCVIII.

Obſolete.

An ACT *for the Relief of inſolvent Debtors, with Reſpect to the Impriſonment of their Perſons.*

Paſſed 20th April, 1787.

CHAP. XCIX.

An ACT *for the Payment of the Salaries of the Officers of Government, and other contingent Charges.*

Paſſed 21ſt April, 1787.

[*This Act, except the eleventh Section, is obſolete.*]

XI. AND *be it further Enacted by the Authority aforeſaid*, That it ſhall and may be lawful for the Auditor of this State, and he is hereby required to do and perform every Act, Matter and Thing, which the Treaſurer is directed to do and perform in and by the Act, entitled, † *An* Act *for the Collection and Commutation of Quit-Rents*, paſſed the firſt Day of *April*, One Thouſand Seven Hundred and Eighty-ſix; and in and by the Act, entitled, ‡ *An* Act *to amend an Act, entitled, An* Act *for the Collection and Commutation of Quit-Rents*, paſſed the eleventh Day of *April*, One Thouſand Seven Hundred and Eighty-ſeven.

Auditor to do the Duty aſſigned to the Treaſurer, reſpecting Quit-Rents.

† 9*th Seſſ. Ch.* 23.

‡ 10*th Seſſ. Ch.* 76.

CHAP.

CHAP. C.

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Private.

An ACT *to vest all the Right and Claim of the People of this State, to the Lands and Tenements whereof* Thomas Hicks *died seized, in the Persons therein named.*

Passed 21st April, 1787.

CHAP. CI.

Private.

An ACT *for vesting the Estate of* David Colden, *deceased, not already sold, in* Cadwallader Colden.

Passed 21st April, 1787.

CHAP. CII.

An ACT *for the Relief of Persons who paid Money into the Treasury of this State, in Consequence of a Resolution of the Committee of Safety, of the first Day of* March, *One Thousand Seven Hundred and Seventy-seven, and for other Purposes therein mentioned.*

Passed 21st April, 1787.

Preamble.

WHEREAS several Persons have paid Monies into the Treasury of this State, in Consequence of a Resolution of the Committee of Safety, made the first Day of *March*, One Thousand Seven Hundred and Seventy-seven; but as the said Resolution hath not been adopted or confirmed by any Convention, nor by the Constitution, or the Legislature of this State, many of the Persons who so paid Money into the Treasury, have petitioned the Legislature for Relief; Therefore,

Treasurer to issue Certificates for Money paid into the Treasury, in Consequence of a Resolution of the *Committee of Safety*.

I. *Be it Enacted by the People of the State of* New-York, *represented in Senate and Assembly, and it is hereby Enacted by the Authority of the same,* That it shall and may be lawful for the Treasurer of this State for the Time being, and he is hereby authorised and required to give to every Person who hath paid Money into the Treasury, in Consequence of the said Resolution, or to the Executors or Administrators of such Person, a Certificate for the Amount of the Money so paid into the Treasury, with the Interest thereof, at the Rate of *Five Pounds per Cent. per Annum*, from the Time the same was so paid into the Treasury, if the same was so paid before the first Day of *September*, in the Year of our Lord One Thousand Seven Hundred and Seventy-seven; but if the same was so paid after that Day, then such Certificate shall be given for the Value thereof, after reducing the same according to the Continental Scale of Depreciation, with Interest for the same, at the Rate aforesaid, from the Time the same was so paid; which Certificate shall be payable, with Interest at the Rate of *Five per Cent. per Annum*, and shall be received and taken in all Payments, where any other Certificates given by the Treasurer of this State, are or shall be receivable by Law. *Provided always*, That no such Certificate shall be given to any Person for any Money so paid into the Treasury, as due to any Person or Persons whose Estate hath been forfeited to the People of this State; but where Monies have been so paid upon, or in Discharge of any Bond or Mortgage, to any Person whose Estate is forfeited to the People of the State of *New-York*, such Payments shall be considered as good and effectual for the Specie Amount of the Monies so paid, and no more; such Amount to be settled agreeable to the Scale of Depreciation herein before mentioned; and such Mortgages may be discharged in the Manner directed by an Act, entitled, ‡ *An* Act *to enable the Clerks of the respective Cities and Counties within this State, to cancel the Records of certain Mortgages made and executed to Persons whose Estates are forfeited, on Proof that such Mortgages are satisfied.* And the Treasurer of this State, and the Justices of the Supreme Court, shall make such Inquiries, and give such Certificates as may be necessary for that Purpose.

No Certificates to be issued for Money due to any Person whose Estate was forfeited.

‡ 8*th Sess. Ch.* 17.

II. *And*

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Treaſurer indemnified againſt Suits for Money ſo paid into the Treaſury.

II. *And be it further Enacted by the Authority aforeſaid,* That the Treaſurer of this State ſhall be, and hereby is diſcharged and indemnified of, from and againſt all Suits whatſoever, which have been or ſhall be brought againſt him, for or on Account of any Money ſo paid into the Treaſury as aforeſaid; and this Act ſhall or may be pleaded or given in Evidence, in Diſcharge of any ſuch Suit.

[*It was conceived unneceſſary to print any more of this Act than the following Clauſes, the Reſt being either expired, repealed, obſolete, or private.*]

† 5th Seſſ. Ch. 28.

‡ 7th Seſſ. Ch. 45.

XIV. *And be it further Enacted by the Authority aforeſaid,* That the Act, entitled, † *An* Act *to liquidate the Depreciation of the Pay of the Officers of the Military Hoſpital, and Medical Department, and of the Officers and Privates of the Levies and Militia of this State, made Priſoners by the Enemy;* and the Act, entitled, ‡ *An* Act *for the Settlement of the Pay of the Levies and Militia, for their Services in the late War, and for other Purpoſes therein mentioned;* ſhall be, and hereby are reſpectively repealed.

Courts in *Waſhington* County, where to be holden.

See 10th Seſſ. Ch. 10.

XXIII. AND *whereas* the Courts of Common Pleas and General Seſſions of the Peace, in and for the County of *Waſhington*, are now held in *Salem*, in the ſaid County; and it hath been repreſented to this Legiſlature, that it would be more convenient for the Inhabitants of the ſaid County, to hold the ſaid Courts once in every Year in *Argyle;* Therefore, *Be it further Enacted by the Authority aforeſaid,* That from and after the paſſing of this Act, the Courts of Common Pleas and General Seſſions of the Peace, in and for the County of *Waſhington*, ſhall thenceforth be held at *Salem* aforeſaid, on the laſt Tueſday in *May*, and on the firſt Tueſday in *November*, in every Year; and at the Houſe of *Adiel Sherwood*, Eſquire, at *Fort Edward*, in the Townſhip of *Argyle*, on the ſecond Tueſday of *February*, in every Year; any Thing in any other Law contained to the Contrary thereof, in any wiſe notwithſtanding.

Public Officers may tender in Payment for Articles purchaſed or taken for public Service, ſuch Certificates as they receive.

XXVII. *And be it further Enacted by the Authority aforeſaid,* That it ſhall and may be lawful for any public Officer, who was employed during the late War, under the Authority of the United States, and who now is, or hereafter ſhall be proſecuted for Services performed at his Requeſt, or Articles by him purchaſed or taken for the United States, or this State, to tender in Court the ſame public Securities of the United States, or of this State, as he has received, or ſhall receive on the Settlement of his Accounts, for ſuch Services performed, or Articles purchaſed as aforeſaid, in full Diſcharge of ſuch Demand.

CHAP. CIII.

† 8th Seſſ. Ch. 29.

An ACT *ſupplementary to an Act, entitled,* † *An* Act *for running out and marking the Juriſdiction Line between this State and the Commonwealth of* Pennſylvania, *and for other Purpoſes therein mentioned.*

Paſſed 21ſt April, 1787.

Commiſſioners to be appointed to continue running the Line between this State and *Pennſylvania.*

I. BE *it Enacted by the People of the State of* New-York, *repreſented in Senate and Aſſembly, and it is hereby Enacted by the Authority of the ſame,* That it ſhall and may be lawful for the Perſon adminiſtring the Government of this State for the Time being, by and with the Advice of the Council of Appointment, to appoint and commiſſion, under the Great Seal of this State, one or more Commiſſioners to continue the running out, marking and aſcertaining the Line of Juriſdiction between this State and the Commonwealth of *Pennſylvania*, in the Room of ſuch of the Commiſſioners appointed by Virtue of the Act, entitled, *An* Act *for running out and marking the Juriſdiction Line between this State and the Commonwealth of* PENNSYLVANIA, as ſhall have reſigned, declined the Office, be ſick or unable to attend the ſame: And that the Commiſſioners ſo appointed, and to be appointed, or ſuch *two*, and not more

more than *three* of them, as the Commiſſioners of the Land-Office ſhall direct, are hereby authoriſed, on the Part of this State, to meet with ſuch Perſon or Perſons who may have been, or ſhall be authoriſed and appointed on the Part of the Commonwealth of *Pennſylvania* aforeſaid.

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Preamble. ‡ 9*th Seſſ. Ch.* 67.

II. AND *whereas* by an Act, entitled, ‡ *An* Act *for the ſpeedy Sale of the unappropriated Lands within this State, and for other Purpoſes therein mentioned;* the Commiſſioners of the Land-Office are authoriſed, whenever they think proper, to direct the Surveyor-General to proceed to the Sale of Lands, without making a previous actual Survey thereof. *And whereas* Difficulties may ariſe to the Proprietors of ſuch Lands, by having them ſurveyed by different Perſons; For Prevention whereof, *Be it further Enacted by the Authority aforeſaid,* That before the Proprietors of any Lands hereafter to be ſold, without being previouſly ſurveyed, proceed to divide or ſettle the ſame, they ſhall make Application to the Surveyor-General, in Writing, to run the Out-Lines thereof. And it is hereby made the Duty of the ſaid Surveyor-General to cauſe the ſame to be done as ſoon as may be, after ſuch Application ſhall have been made. *And further,* That in every Survey hereafter to be performed by the Surveyor-General, by Virtue of his Office, he ſhall give Notice to the Proprietors when he will commence the ſame: And if ſuch Proprietors ſhall attend, or cauſe ſome Perſon to attend at ſuch Time, with a Flag-Bearer, two Markers, a ſufficient Quantity of Proviſion for the Purpoſe, and the Means of tranſporting it, as Occaſion ſhall require, the ſaid Surveyor-General ſhall cauſe ſuch Survey to be made, and be allowed to charge ſuch Proprietors for the Service of a Surveyor, at the Rate of *Twenty Shillings* per Day, and for two Chain-Bearers, to be furniſhed by him, *Four Shillings* per Day, each. *And further,* That the *Thirtieth* Section of the ſaid Act ſhall be, and hereby is repealed.

Out-Lines of Lands ſold by the State, to be run before the Land is divided or ſettled.

LAWS of the State of NEW-YORK,

A. D. 1788. Inde. *U. S.* XII.

Paſſed in the Eleventh Seſſion of the Legiſlature of the ſaid State, held at Poughkeepſie, in Dutcheſs County.

CHAP. I.

An ACT *to naturalize* Robert Edmeſton.

Private.

Paſſed 6th February, 1788.

CHAP. II.

An ACT *to prevent Delays of Proceedings at the General Seſſions of the Peace, and Abuſes in ſuing out Writs of Certiorari.*

Paſſed 6th February, 1788.

I. BE *it Enacted by the People of the State of* New-York, *repreſented in Senate and Aſſembly, and it is hereby Enacted by the Authority of the ſame,* That all Writs of Certiorari for the Removal of any Indictment or Preſentment, or any Judgment or Order, out of any Court of General Seſſions of the Peace, ſhall be delivered at the Seſſions of the Peace, in open Court.

Writs of Certiorari to be delivered in open Court.

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How to be granted in Term Time.

II. *And be it further Enacted by the Authority aforeſaid*, That in Term Time no Writ of Certiorari whatſoever, at the Proſecution of any Party indicted or preſented, be hereafter granted, awarded or directed, out of the Supreme Court, to remove any Indictment or Preſentment, of or for any Treſpaſs, Riot, forcible Entry, Aſſault and Battery, Fraud, Nuiſance, Contempt or Miſdemeanor whatſoever, before Trial had, from before any Juſtices in their Courts of General Seſſions of the Peace, unleſs ſuch Certiorari ſhall be granted or awarded upon Motion of Counſel, by Rule of Court, made for the granting thereof, before the Juſtice or Juſtices of the Supreme Court, ſitting in open Court; and that all the Parties indicted, proſecuting ſuch Certiorari, before the Allowance thereof, ſhall find two ſufficient Sureties, who ſhall enter into a Recognizance to the People of the State of *New-York*, before one of the Juſtices of the Supreme Court, or before one or more Juſtices of the Peace of the County or Place, or before the Juſtices at their General Seſſions of the Peace of the County or Place, where ſuch Indictment or Preſentment ſhall be found or made, in the Sum of *Fifty Pounds:* WITH CONDITION, That the Party or Parties ſo indicted or preſented, and proſecuting ſuch Certiorari, ſhall, at the Return of ſuch Writ, appear and plead to the ſaid Indictment or Preſentment in the ſaid Supreme Court, and at his, her or their own Coſts and Charges, cauſe and procure the Iſſue that ſhall be joined upon the ſaid Indictment or Preſentment, or any Plea relating thereto, to be tried at the next Circuit Court, to be held for the County wherein the ſaid Indictment or Preſentment was found or made, after ſuch Certiorari ſhall be returnable, if not in the County where the ſaid Supreme Court ſhall ſit, and if in ſuch County, then to cauſe or procure it to be tried the next Term after ſuch Certiorari ſhall be granted, if the ſaid Supreme Court ſhall not appoint any other Time for the Trial thereof, and if any other Time ſhall be appointed by the ſaid Supreme Court, then at ſuch other Time, and ſhall give due Notice of ſuch Trial to the Proſecutor or his Attorney, and ſhall appear, from Day to Day, in the ſaid Supreme Court, and not depart until he, ſhe or they ſhall be diſcharged by the ſaid Court. *And moreover*, That in any of the Vacations, Writs of Certiorari may be granted by any of the Juſtices of the Supreme Court, whoſe Name ſhall be endorſed on the ſaid Writ, and alſo the Name of ſuch Perſon at whoſe Inſtance the ſame is granted; and that the Party or Parties indicted or preſented, proſecuting ſuch Certiorari, ſhall, before the Allowance of ſuch Writ or Writs of Certiorari, find ſuch Sureties, in ſuch Sum, and with ſuch Conditions as are before mentioned and ſpecified. *And further*, That every Recognizance taken as aforeſaid, ſhall be delivered to the Court or Juſtices to whom the Certiorari is directed, together with the ſaid Writ; and the Recognizance ſo taken as aforeſaid, ſhall be certified into the ſaid Supreme Court, with the ſaid Certiorari and Indictment or Preſentment, and there filed, and the Name of the Proſecutor, if he be the Party grieved or injured, or ſome public Officer, ſhall be endorſed on the Back of the ſaid Indictment or Preſentment; and if the Perſon proſecuting ſuch Certiorari, being the Defendant, ſhall not, before Allowance thereof, procure ſuch Sureties to be bounden in a Recognizance as aforeſaid, the Juſtices of the Peace may and ſhall proceed to Trial of the ſaid Indictment or Preſentment, at the ſaid General Seſſions of the Peace, notwithſtanding ſuch Writ of Certiorari ſo delivered.

Parties proſecuting ſuch Writs, to find Sureties to appear & proſecute.

How ſuch Writs are to be granted in Vacation.

If no Sureties are found, the Court may proceed to Trial, notwithſtanding the Writ of Certiorari.

On Conviction of the Defendant proſecuting ſuch Writ, the Proſecutor, if the Party grieved, or an Officer, to have Coſts.

III. *And be it further Enacted by the Authority aforeſaid*, That if the Defendant proſecuting ſuch Writ of Certiorari, be convicted of the Offence for which he was indicted or preſented, that then the ſaid Supreme Court ſhall give reaſonable Coſts to the Proſecutor, if he be the Party grieved or injured, or be a Juſtice of the Peace, Mayor, Recorder, Alderman, Conſtable or Overſeer of the Poor, or any other civil Officer, who ſhall proſecute upon the Account of any Fact committed or done, or any Thing omitted that

concerned

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concerned him or them as Officer or Officers, to proſecute or preſent; which Coſts ſhall be taxed according to the Courſe of the ſaid Supreme Court; and that the Proſecutor for the Recovery of the ſaid Coſts, ſhall, at any Time after the Expiration of *Ten* Days after Demand made of the Defendant, and Refuſal or Neglect of Payment, Proof thereof being made on Oath, have an Attachment granted againſt the ſaid Defendant by the ſaid Court, for ſuch his Contempt; and that the ſaid Recognizance ſhall not be diſcharged till the Coſts ſo taxed ſhall be paid.

To be recovered by Attachment.

IV. AND *whereas* in many Caſes where Juſtices of the Peace are empowered by Law to give or make Judgments or Orders, Writs of Certiorari have been procured to remove ſuch Judgments or Orders into the Supreme Court, in the Hope thereby to diſcourage and weary out the Parties concerned in ſuch Judgments or Orders, by great Delays and Expences: For Remedy whereof, *Be it further Enacted by the Authority aforeſaid*, That no Certiorari ſhall be allowed to remove any ſuch Judgment or Order from before any Juſtice or Juſtices of the Peace, or General Seſſions of the Peace, other than Judgments given or to be given in Suits or Actions for Debts or Demands, between Party and Party, made or to be made cognizable before Juſtices of the Peace, or any of them, unleſs the Party or Parties proſecuting ſuch Certiorari, before the Allowance thereof, ſhall find ſufficient Sureties, who ſhall enter into a Recognizance to the People of the State of *New-York*, before one of the Juſtices of the Supreme Court, or before one or more Juſtices of the Peace of the County or Place, or before the Juſtices at their General Seſſions of the Peace of the County or Place, where ſuch Judgment or Order ſhall have been given or made, in the Sum of *Fifty Pounds*: WITH CONDITION, That the Party or Parties proſecuting ſuch Certiorari, ſhall proſecute the ſame, at his, her or their own Coſts and Charges, to Effect, without any wilful or affected Delay, and perform ſuch Judgment or Order, as the ſame Supreme Court ſhall give or make againſt him or them in the Premiſes, and pay the Party or Parties in whoſe Favour or for whoſe Benefit ſuch Judgment or Order ſo to be removed was given or made, within one Month after the ſaid Judgment or Order ſhall be confirmed, his, her or their full Coſts and Charges, to be taxed according to the Courſe of the ſaid Supreme Court; and in Caſe the Party or Parties proſecuting ſuch Certiorari, ſhall not procure ſuch Sureties, to be bound in ſuch Recognizance as aforeſaid, it ſhall and may be lawful for the ſaid Juſtice or Juſtices, or Court of General Seſſions of the Peace, to proceed and make ſuch further Order or Orders, for the Benefit of the Party or Parties for whom ſuch Judgment or Order ſhall be made or given, in ſuch Manner as if no Certiorari had been granted or delivered: *And further*, That every Recognizance to be taken as aforeſaid, ſhall be delivered, together with the Writ of Certiorari, to the Juſtice or Juſtices, or Court to whom ſuch Writ ſhall be directed, and the ſaid Recognizance ſhall be certified into the ſaid Supreme Court, with the ſaid Certiorari, and the Judgment or Order removed thereby, and there filed; and if the ſaid Judgment or Order ſhall be confirmed by the ſaid Court, the Perſon or Perſons entitled to ſuch Coſts, for the Recovery thereof, at any Time after the Expiration of *Ten* Days after Demand made, of the Perſon or Perſons who ought to pay the ſaid Coſts, upon Oath made of the making ſuch Demand, and Refuſal or Neglect of the Payment thereof, ſhall have an Attachment againſt him, her or them, granted by the ſaid Court for ſuch Contempt; and the ſaid Recognizance ſo given upon the allowing of ſuch Certiorari, ſhall not be diſcharged until the Coſts ſhall be paid, and the Judgment or Order ſo confirmed ſhall be complied with and obeyed.

No Judgment or Order to be removed by Certiorari from before a Juſtice, or the Seſſions, without Sureties given to proſecute.

If no Surety given, the Juſtice or Court to proceed as if no ſuch Writ had been granted.

Recognizance to be returned with the Writ.

Coſts to be recovered by Attachment.

V. *And be it further Enacted by the Authority aforeſaid*, That no Writ of Certiorari ſhall be hereafter granted to remove any Indictment, Preſentment, Judgment,

Writs of Certiorari to be ſigned by a Juſtice of the Supreme Court.

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Judgment, Order, Recognizance or other Proceſs or Proceeding, unleſs the ſame Writ be ſigned with the proper Hand of one of the Juſtices of the Supreme Court, and in Default thereof ſuch Writ ſhall be void and of none Effect.

CHAP. III.

An ACT *to avoid unneceſſary Delays of Executions.*

Paſſed 6th February, 1788.

No Execution to be ſtayed by Writ of Error on Judgments, for Debt in Bond, or for Rent, or upon Contract, without Sureties given to proſecute and pay the Debt & Coſts, in Caſe of Affirmance of Judgment.

I. BE *it Enacted by the People of the State of* New-York, *repreſented in Senate and Aſſembly, and it is hereby Enacted by the Authority of the ſame,* That no Execution ſhall be ſtayed or delayed, upon or by any Writ of Error or Superſedeas thereupon to be ſued for the Reverſing of any Judgment, given or to be given, in any Action of Debt upon any ſingle Bond for Debt, or upon any Obligation, with Condition for the Payment of Money only, or upon any Action of Debt for Rent, or upon any Contract ſued in any Court of Record in this State, unleſs ſuch Perſon or Perſons in whoſe Name or Names ſuch Writ of Error ſhall be brought, with two ſufficient Sureties, ſuch as the Court, wherein ſuch Judgment is or ſhall be given, ſhall allow of, ſhall firſt, before ſuch Stay made, or Superſedeas awarded, be bound unto the Party for whom any ſuch Judgment is or ſhall be given, by Recognizance, to be acknowledged in the ſame Court, in double the Sum adjudged to be recovered by the ſaid former Judgment, to proſecute the ſaid Writ of Error with Effect, and alſo to ſatisfy and pay, if the ſaid Judgment ſhall be affirmed, all and ſingular the Debts, Damages and Coſts, adjudged or to be adjudged upon the former Judgment, and all Coſts and Damages to be awarded for the Delay of Execution. *And further*, That no Execution ſhall be ſtayed or delayed in any of the Courts aforeſaid, by any Writ or Writs of Error, or Superſedeas thereupon, after any Verdict and Judgment thereupon obtained, in any perſonal Action whatſoever, unleſs ſuch Recognizance, and in ſuch Manner as is above directed, ſhall be firſt acknowledged in the ſaid Court where ſuch Judgment is or ſhall be given.

Or in any perſonal Action after Verdict, without ſuch Security.

Nor in Dower or Ejectment after Verdict.

II. *And be it further Enacted by the Authority aforeſaid,* That in Writs of Error to be brought upon any Judgment after Verdict, in any Writ of Dower, or in any Action of Ejectment, no Execution ſhall be thereupon or hereby ſtayed, unleſs the Plaintiff or Plaintiffs in ſuch Writ of Error, ſhall be bound unto the Plaintiff in ſuch Writ of Dower, or Action of Ejectment, in ſuch reaſonable Sum, as the Court to which ſuch Writ of Error ſhall be directed, ſhall think fit: WITH CONDITION, That if the Judgment ſhall be affirmed in the ſaid Writ of Error, or if the ſaid Writ of Error be diſcontinued in Default of the Plaintiff or Plaintiffs therein, or if the ſaid Plaintiff or Plaintiffs be nonſuit in ſuch Writ of Error, that then the ſaid Plaintiff or Plaintiffs ſhall pay ſuch Coſts, Damages, and Sum and Sums of Money, as ſhall be awarded upon or after ſuch Judgment affirmed, Diſcontinuance or Nonſuit. *And to the End* that the ſame Sum and Sums of Money, and Damages may be aſcertained, the Court wherein ſuch Execution ought to be granted, upon ſuch Affirmation, Diſcontinuance or Nonſuit, ſhall iſſue a Writ to enquire as well of the meſne Profits, as of the Damages, by any Waſte committed after the firſt Judgment in Dower, or in Ejectment; and upon the Return thereof, Judgment ſhall be given, and Execution awarded for ſuch meſne Profits and Damages, and alſo for the Coſts of Suit. *Provided always*, That this Act, or any Thing therein contained, ſhall not extend to any Writ of Error to be brought by any Executor or Adminiſtrator, nor to any Action popular, nor to any Action upon any penal Statute, nor to any Indictment, Preſentment, Inquiſition, Information or Appeal.

And Writ of Enquiry may be awarded to enquire of the meſne Profits and Waſte.

This Act not to extend to Writs of Error by Executors or Adminiſtrators, &c.

CHAP.

CHAP. IV.

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An ACT *for giving further Remedy by Action of Account.*

Paſſed 6th February, 1788.

I. BE *it Enacted by the People of the State of* New-York, *repreſented in Senate and Aſſembly, and it is hereby Enacted by the Authority of the ſame,* That where any Perſon is or ſhall be bound or liable to account, as Guardian, Bailiff, Receiver or otherwiſe, to any other, and will not give Account willingly, and the Party to whom ſuch Account ought to be made, ſhall ſue out a Writ of Account, if the Perſon againſt whom ſuch Writ is iſſued, being ſummoned, do not appear at the Return of the Writ, or if it be returned, that the Defendant hath nothing, then the Defendant ſhall be attached by his or her Body, to come and make his or her Account; and if it be returned, that the Defendant cannot be found, the Proceſs may be purſued to the Exigent and Outlawry thereupon; and when ſuch Accountant ſhall appear in Court, and ſubmit, or be adjudged to account, Auditors ſhall be aſſigned to take his or her Account; and if he or ſhe ſhall be found in Arrears, and cannot pay the Arrears, and the Coſts of Suit forthwith, he or ſhe ſhall be committed to Gaol, there to be kept, under ſafe Cuſtody, living at his or her own Coſts, until he or ſhe ſhall have fully ſatisfied ſuch Arrears, with the Coſts of Suit. And if ſuch Accountant ſhall neglect or refuſe to account before the Auditors, he or ſhe ſhall be committed to Gaol, there to be kept as aforeſaid, until he or ſhe ſhall ſatisfy the Plaintiff of his or her Demand, with Coſts as aforeſaid. *And further*, That if it ſhall be found, that there is a Surpluſage due on ſuch Account, from the Plaintiff to the Defendant, then the Defendant ſhall have Judgment to recover ſuch Surpluſage, with Coſts of Suit, againſt the Plaintiff, unleſs where the Suit is brought by Executors or Adminiſtrators, in Right of their Teſtator or Inteſtate; in which Caſe the Defendant ſhall not recover Coſts againſt them: And the Defendant ſhall or may have ſuch Execution for the ſame, as he or ſhe might have had, if he or ſhe had recovered ſuch Surpluſage by Action of Debt. *And moreover*, If any Sheriff or Gaoler ſhall ſuffer any ſuch Priſoner to go out of Priſon, without the Aſſent of the Plaintiff, he ſhall be anſwerable to the Plaintiff for the Debt or Damages done to him or her by ſuch Accountant, according as it may be found by the Country; and the Party at whoſe Suit ſuch Priſoner was committed, ſhall have his or her Recovery, by Action of Debt, or by Bill or Plaint, in any Court of Record.

Manner of proceeding in Actions of Account.

Sheriff or Gaoler ſuffering Priſoners to eſcape, to be anſwerable for the Debt and Damages.

II. *And be it further Enacted by the Authority aforeſaid,* That Actions of Account ſhall and may be brought and maintained by one Joint-Tenant, or Tenant in Common, his or her Executors or Adminiſtrators, againſt the other, as Bailiff, for receiving more than comes to his or her juſt Share or Proportion, and againſt the Executors or Adminiſtrators of ſuch Joint-Tenant, or Tenant in Common.

One Joint-Tenant, or Tenant in Common, may have Action of Account againſt another.

III. *And be it further Enacted by the Authority aforeſaid,* That the Auditors appointed by the Court where any Action of Account ſhall be depending, ſhall be, and hereby are empowered to adminiſter an Oath, and to examine the Parties, on Oath, touching the Matters in Queſtion; and for their Pains and Trouble in auditing and taking ſuch Account, ſhall have ſuch Allowance as the Court ſhall adjudge to be reaſonable, to be paid by the Party in whoſe Favour the Balance ſhall be found, and to be allowed to him or her, in the Coſts to be taxed againſt the oppoſite Party, where Coſts are recoverable.

Auditors to examine Parties and Witneſſes on Oath.

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CHAP. V.

An ACT *to prevent Abuſes and Delays in Actions of Replevin.*

Paſſed 6th February, 1788.

Beaſts, Goods or Chattels wrongfully detained, to be replevied by Writ or Plaint. Proceſs therein.

I. BE *it Enacted by the People of the State of* New-York, *repreſented in Senate and Aſſembly, and it is hereby Enacted by the Authority of the ſame,* That if the Beaſts, or Goods, or Chattels of any Perſon, at any Time hereafter, be taken and wrongfully detained, the Sheriff, by a Writ of Replevin to be iſſued out of the Chancery, or upon Complaint thereof to him to be made without Writ, ſhall cauſe the ſame Beaſts, or Goods, or Chattels, to be replevied, and delivered, without Let or Gainſaying of the Perſon who took them, whether they were taken within Liberties or without, and ſhall ſummon the Perſon who took them to appear, if the Suit be by Writ, at the Return thereof; and if by Plaint, at the next Court of Common Pleas, to be held in his County, to anſwer the Plaintiff of the taking and unjuſt Detention of the ſame Beaſts, or Goods, or Chattels. And if any Defendant ſhall not appear according to ſuch Summons, then he or ſhe ſhall be attached; and if ſuch Defendant ſhall not appear upon the Return of the Attachment, then he or ſhe ſhall be diſtrained, from Time to Time, until he or ſhe ſhall appear to anſwer the Plaintiff. *And further,* That ſuch Plaint before the Sheriff ſhall be in Writing, and in the following Form:

Form of the Plaint.

WESTCHESTER *County, to wit:* A. B. *of* Bedford, *in the County of* Weſtcheſter, *Yeoman, complains of* C. D. *of the Manor of* Pelham, *in the County of* Weſtcheſter, *Gentleman, of a Plea of taking and unjuſtly detaining his Beaſts* (or, *his Beaſts, Goods and Chattels,* or, *his Goods and Chattels,* or, *his certain Mare,* or, *his certain Silver Bowl*) *and gives Security to proſecute his ſaid Complaint, and to return the ſame Beaſts, if Return thereof ſhall be adjudged.*

Writs or Plaints in Replevin, may be removed by either Party into the Supreme Court.

WHICH Plaint the Sheriff ſhall return to the next Court of Common Pleas to be held in and for his County, in the ſame Manner as if it was a Writ of Replevin, returnable into the ſame Court, and the like Proceedings ſhall thereupon be had in the ſame Court, as may or ought to be had upon a Writ of Replevin. *And moreover,* It ſhall be lawful for either Party, in any Writ or Plaint in Replevin, to be depending in any Court of Common Pleas, at any Time before any Juror is ſworn, or any Judgment obtained, to cauſe the Writ or Plaint, and the Proceedings thereon, to be removed into the Supreme Court, by Writ of Certiorari; and ſuch Proceedings ſhall be thereupon in the Supreme Court, as if the Suit had been originally commenced in the Supreme Court.

All Writs of Replevin returnable in the Supreme Court, or Court of Common Pleas.

II. *And be it further Enacted by the Authority aforeſaid,* That all Writs of Replevin ſhall henceforth be made returnable in the Supreme Court, or in the Court of Common Pleas, in and for the County where the Beaſts, or Goods or Chattels, for the taking whereof the Writ ſhall be brought, were taken, and ſhall be in the Form following:

Form of the Writ.

THE PEOPLE, *To the* SHERIFF. *IF* A. B. *of the City of* New-York, *Merchant, ſhall give you Security to proſecute his Complaint, and to return his Beaſts* (or, *his Beaſts, Goods and Chattels,* or, *his Goods and Chattels,* or, *his certain Horſe,* or, *his certain Silver Tankard,*) *which* C. D. *of* Goſhen, *in* Orange *County, Gentleman, took and unjuſtly detains againſt Gages and Pledges, as he ſaith, if Return thereof ſhall be adjudged; then cauſe the ſame Beaſts to be replevied, and delivered to the aforeſaid* A. B. *without Delay, and ſummon, by good Summoners, the aforeſaid* C. D. *that he be before our Juſtices of our Supreme Court* (or, *our Judges and Aſſiſtant Juſtices of our Court of Common Pleas, to be held in and for your County*) *at* (ſuch a Place) *on* (ſuch a Day) *to anſwer the aforeſaid* A. B. *of a Plea of taking and unjuſtly detaining the Beaſts aforeſaid.*

III. *And*

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III. *And be it further Enacted by the Authority aforeſaid*, That if any Perſon ſhall take the Beaſts, or Goods, or Chattels of another, and drive and convey and put them into any Houſe or Place of Strength, and the Perſon from whom the ſame Beaſts, or Goods or Chattels ſhall be taken, ſues for a Replevin thereof, by Writ or Plaint, the Sheriff ſhall ſolemnly demand Deliverance thereof, at the Houſe or Place where the ſame are detained; and if neither the Taker, nor any Perſon on Behalf of ſuch Taker, ſhall, upon Demand, deliver the ſame, or if no Perſon ſhall come upon ſuch Demand to deliver the ſame, the Sheriff ſhall take the Power of his County, and break open ſuch Houſe or Place of Strength, and make Replevin according to the Writ or Plaint.

Sheriff may take the Power of his County, and break open any Houſe, or Place of Strength, to make Replevin.

IV. *And be it further Enacted by the Authority aforeſaid*, That every Sheriff, before he makes Deliverance of any Beaſts, Goods or Chattels, by Virtue of any Writ or Plaint in Replevin, ſhall take of the Plaintiff ſufficient Security to proſecute the Suit, and to return the ſame Beaſts, Goods or Chattels, if Return thereof ſhall be adjudged; and if any Sheriff ſhall take Security otherwiſe, or neglect to take ſuch Security, he ſhall anſwer for the Price or Value of the Beaſts, Goods and Chattels; and the Perſon who diſtraineth, ſhall have his or her Recovery, by Writ that he ſhall reſtore to him or her ſo many Beaſts, Goods or Chattels.

Sheriff to take Security to proſecute the Suit, or be accountable for the Value of the Things delivered.

V. *And be it further Enacted by the Authority aforeſaid*, That if the Plaintiff, in any Action, or Suit in Replevin, ſhall make Default, and a Return of the Beaſts, or Goods, or Chattels, is awarded to the Diſtrainer, the Sheriff ſhall be commanded, by a judicial Writ, to make Return of the Beaſts, or Goods, or Chattels, unto the Diſtrainer; in which Writ it ſhall be expreſſed, that the Sheriff ſhall not deliver them without Writ, making Mention of the Judgment, which cannot be without a Writ iſſuing out of the ſame Court in which the Matter was moved; and if the Plaintiff cometh unto them, and deſireth Replevin of the ſame Beaſts, Goods and Chattels, he or ſhe ſhall have a judicial Writ, that the Sheriff, taking Security for the Suit, and alſo for the Return of the ſame Beaſts, Goods and Chattels, or for the Price or Value of them, if Return ſhall be awarded, ſhall deliver unto the Plaintiff the Beaſts, Goods and Chattels before returned; and the Diſtrainer ſhall be attached to come and be at a certain Day, at the Court in which the Plea was moved, in the Preſence of the Parties; and if the Plaintiff make Default again, or for another Cauſe, Return of the Diſtreſs be awarded, being now twice replevied, the Diſtreſs ſhall remain irrepleviable. But if a Diſtreſs be taken of a-new, and for a new Cauſe, the Proceſs aforeſaid ſhall be obſerved in the ſame new Diſtreſs.

If Return of Goods be awarded, Plaintiff may have a Writ of ſecond Deliverance.

But if Return be again awarded, the Diſtreſs to be irrepleviable.

VI. And *whereas* frequent Abuſes have been committed in the Execution of Writs of Replevin, by Sheriffs making Deliverance, notwithſtanding due Notice and Claim of Property have been interpoſed by the Defendant or Poſſeſſor; For the more effectual Prevention whereof, *Be it further Enacted by the Authority aforeſaid*, That if at any Time hereafter, on a Writ or Plaint of Replevin, the Defendant in Replevin, or Poſſeſſor, ſhall claim Property in the Thing whereof Deliverance is ſought, and the Sheriff, either by himſelf, his Under Sheriff, or Bailiff, having due Notice, ſhall nevertheleſs proceed to make Deliverance, and diſpoſſeſs ſuch Defendant thereof, before the Claim of Property ſhall be enquired into, or tried according to Law; ſuch Sheriff, for every ſuch Offence, ſhall, beſides being anſwerable to the Defendant for the Treſpaſs, forfeit the Sum of *One Hundred Pounds*, to be recovered by any Perſon who ſhall ſue for the ſame, in any Court of Record, by Action of Debt, Bill, Plaint or Information; the one Moiety thereof to the Uſe of the Perſon who ſhall ſue for the ſame, and the other Moiety thereof to the Uſe of the People of this State.

On Claim of Property, if Sheriff makes Replevin before it is tried, he forfeits 100l. beſides being anſwerable for the Treſpaſs.

VII. *And*

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Beaſts diſtrained, not to be driven out of the County,
Nor impounded in different Places,

VII. *And be it further Enacted by the Authority aforeſaid*, That no Diſtreſs of Beaſts ſhall be driven out of the Town, Manor, Diſtrict or Precinct, where ſuch Diſtreſs is or ſhall be taken, except that it be to a Pound-Overt, within the ſame County, not above *three* Miles diſtant from the Place where the ſaid Diſtreſs ſhall be taken; and that no Beaſts, or Goods or Chattels, diſtrained or taken by Way of Diſtreſs, for any Cauſe whatſoever, at one Time, ſhall be impounded in ſeveral Places, whereby the Owner or Owners of ſuch Diſtreſs, ſhall be conſtrained to ſue ſeveral Replevins for the Delivery of the ſaid Diſtreſs, ſo taken at one Time, upon Pain that every Perſon offending therein, ſhall, for every ſuch Offence, forfeit to the Party grieved, *Ten Pounds*, and treble Damages; to be recovered in any Court of Record, by Action of Debt, Bill, Plaint or Information.

Under Penalty of 10l. and treble Damages.

In Replevin of Diſtreſs for Rent, the Sheriff to take a Bond of Plaintiffs, with Sureties, in double the Value of the Goods, to proſecute and make Return, if awarded.

VIII. *And be it further Enacted by the Authority aforeſaid*, That every Sheriff ſhall, in every Replevin of a Diſtreſs for Rent, take, in his own Name, from the Plaintiff and two Sureties, a Bond in double the Value of the Beaſts, or Goods or Chattels diſtrained (ſuch Value to be aſcertained by the Oath of one or more Witneſſes not intereſted, and which Oath ſuch Sheriff is hereby authoriſed to adminiſter) and conditioned for proſecuting the Suit with Effect, and without Delay, and for returning the Beaſts, or Goods and Chattels, in Caſe a Return ſhall be awarded, before any Deliverance be made of the Diſtreſs; and the Sheriff ſhall, at the Requeſt and Coſts of the Defendant, Avowant, or Perſon making Cognizance, aſſign ſuch Bond to the Defendant, Avowant, or Perſon making Cognizance, by indorſing the ſame, and atteſting it under his Hand, in the Preſence of two Witneſſes; and if the Bond be forfeited, the Defendant, Avowant, or Perſon making Cognizance, may bring an Action thereupon, in his or her own Name; and the Court may, by Rule, give ſuch Relief to the Parties upon ſuch Bond, as ſhall be agreeable to Juſtice; and ſuch Rule ſhall have the Nature and Effect of a Defeazance to ſuch Bond.

Such Bond to be aſſigned to the Defendant, who may bring an Action thereon in his own Name.

An Avowry may be made by the Lord, upon the Land holden of him, without naming his Tenant;

IX. *And be it further Enacted by the Authority aforeſaid*, That whereſoever any Lands, Tenements or Hereditaments, are or ſhall be held by any Perſon or Perſons, by Rents, Cuſtoms or Services, if the Perſon of whom any ſuch Lands, Tenements or Hereditaments, are or ſhall be held, ſhall diſtrain upon the ſame Lands or Tenements, for any ſuch Rents, Cuſtoms or Services, and Replevin thereof be ſued, the Perſon of whom the ſame Lands, Tenements or Hereditaments, are or ſhall be ſo holden, may avow, or his or her Bailiff, or Servant make Cognizance or juſtify for taking the ſaid Diſtreſs, upon the ſame Lands, Tenements or Hereditaments, ſo holden as in Lands or Tenements within his or her Fee, alledging in the ſaid Avowry, Cognizance and Juſtification, the ſame Lands and Tenements to be holden of him or her, without naming any Perſon certain to be Tenant of the ſame, and without making any Avowry, Cognizance or Juſtification upon any certain Perſon. And that the Diſtrainer, or his or her Bailiff or Servant, may make Avowry, Cognizance or Juſtification, in like Manner and Form, upon every Writ of ſecond Deliverance.

And in like Manner on Writs of ſecond Deliverance.

Plaintiffs and Defendants in Replevin, or in Writs of ſecond Deliverance, to have like Pleas and Aid-Prayers as at common Law.

X. *And be it further Enacted by the Authority aforeſaid*, That the Plaintiffs and Defendants in all Writs or Plaints of Replevin, or Writs of ſecond Deliverance, and in every of them, ſhall and may have like Pleas, and like Aid-Prayers in all ſuch Avowries, Cognizances and Juſtifications (Pleas of Diſclaimer only excepted) as they might have had before the making of this Act, and as though the ſaid Avowry, Cognizance or Juſtification, had been made after the due Order of the Common Law; and that all ſuch Perſons as, by the Common Law, may lawfully join to the Plaintiffs or Defendants in the ſaid Writs or Plaints of Replevin, or ſecond Deliverance, as well without

And like Joinder in Aid.

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Proceſs as by Proceſs, ſhall or may, from henceforth, join unto the ſaid Plaintiffs or Defendants, as well without Proceſs as by Proceſs, and have like Pleas, and like Advantages in all Things (Pleas of Diſclaimer only excepted) as they might have done by the Order of the Common Law, before the making of this Act.

If Plaintiff in Replevin is nonſuit before Iſſue joined, the Defendant may make Avowry, if the Diſtreſs was for Rent, and have a Writ of Inquiry,

XI. *And be it further Enacted by the Authority aforeſaid*, That whenſoever any Plaintiff in Replevin ſhall be nonſuit, before Iſſue joined in any Suit of Replevin, by Plaint or Writ lawfully returned, removed or depending in any Court of Record, the Defendant, if the Diſtreſs was made for Rent, making a Suggeſtion in Nature of an Avowry or Cognizance for ſuch Rent, to aſcertain the Court of the Cauſe of Diſtreſs, the Court, upon his or her Prayer, inſtead of awarding a Return of the Diſtreſs, ſhall award a Writ to the Sheriff of the County where the Diſtreſs was taken, to enquire, by the Oath of *twelve* good and lawful Men of his Bailiwick, touching the Sum in Arrear at the Time of ſuch Diſtreſs taken, and the Value of the Beaſts, or Goods and Chattels diſtrained; and thereupon *fifteen* Days Notice ſhall be given to the Plaintiff, or his or her Attorney, in Court, of the Sitting of ſuch Inquiry; and thereupon the Sheriff ſhall enquire of the Truth of the Matters contained in ſuch Writ, by the Oath of *twelve* good and lawful Men of his County; and upon the Return of ſuch Inquiſition, the Defendant ſhall have Judgment to recover againſt the Plaintiff the Arrearages of ſuch Rent, in Caſe the Beaſts, Goods and Chattels diſtrained, ſhall amount unto that Value; and in Caſe they ſhall not amount to that Value, then ſo much as the Value of the ſaid Beaſts, Goods and Chattels ſo diſtrained, ſhall amount unto, together with his or her full Coſts of Suit, and ſhall have Execution thereupon for the ſame, by *Capias ad Satisfaciendum*, *Fieri Facias*, or otherwiſe, as the Law ſhall require; and in Caſe ſuch Plaintiff ſhall be nonſuit after Avowry or Cognizance made, and Iſſue joined, or if the Verdict ſhall be given againſt ſuch Plaintiff, then the Jurors impanelled, or returned to enquire of ſuch Iſſue, ſhall, at the Prayer of the Defendant, enquire concerning the Sum of the Arrears, and the Value of the Beaſts, or Goods and Chattels diſtrained; and thereupon the Avowant, or the Perſon who makes Cognizance, ſhall have Judgment for ſuch Arrearages, or ſo much thereof as the Beaſts, Goods and Chattels diſtrained, amount unto, together with his or her full Coſts, and ſhall have like Execution for the ſame as aforeſaid. *And further*, That if Judgment be given upon Demurrer, for the Avowant, or the Perſon who makes Cognizance for any Rent, the Court, inſtead of awarding a Return of the Diſtreſs, ſhall, at the Prayer of the Defendant, award a Writ to enquire of the Value of ſuch Diſtreſs, and upon the Return thereof, Judgment ſhall be given for the Avowant, or Perſon who makes Cognizance as aforeſaid, for the Arrears alledged to be behind in ſuch Avowry or Cognizance, if the Beaſts, or Goods and Chattels ſo diſtrained, ſhall amount to that Value; and in Caſe they ſhall not amount to that Value, then for ſo much as the ſaid Beaſts, or Goods and Chattels ſo diſtrained, amount unto; together with his or her full Coſts of Suit, and ſhall have like Execution for the ſame as aforeſaid. *Provided always*, That where the Value of the Beaſts, Goods and Chattels diſtrained as aforeſaid, ſhall not be found to be of the full Value of the Arrears diſtrained for, the Party to whom ſuch Arrears were due, his or her Executors or Adminiſtrators, may, from Time to Time, diſtrain again for the Reſidue of the ſaid Arrears.

And Judgment thereupon.

And if Plaintiff be nonſuit after Iſſue joined, or a Verdict be given againſt him, the Jury to enquire of the Arrears, and Value of the Diſtreſs.

If upon Demurrer, Judgment be given for Defendant, Writ of Inquiry to be awarded.

If Diſtreſs is not equal to the Arrears, Party intitled may diſtrain for Reſidue.

XII. *And be it further Enacted and Declared by the Authority aforeſaid*, That no *Replevin* ſhall lie in any Caſe of Diſtreſs for any Tax, Aſſeſſment or Fine, to be collected or levied in Purſuance of any Law of this State; and if any Perſon or Perſons ſhall hereafter ſue out or proſecute a Replevin in any ſuch Caſe, he, ſhe or they, ſhall forfeit the Sum of *Fifty Pounds*, to be recovered, with

No *Replevin* allowed in Caſes of Diſtreſs for Tax, Aſſeſſment or Fine.

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with Coſts of Suit, in any Court of Record within this State, by Action of Debt, Bill, Plaint or Information; the one Moiety to any Perſon who ſhall ſue for the ſame, and the other Moiety to the People of this State.

Former Acts repealed.

XIII. *And be it further Enacted by the Authority aforeſaid*, That the Act, entitled, *An* Act *to prevent the Abuſe of Writs and Plaints in Replevin*, and an Act, entitled, ‡ *An* Act *to prevent Delays by Writs of Replevin in Caſes of Diſtreſs for Taxes, Aſſeſſments or Fines*, ſhall be, and hereby are repealed.

‡ 4*th Seſſ. Ch.* 47.

CHAP. VI.

An ACT *to prevent forcible Entries and Detainers.*

Paſſed 6th February, 1788.

No Entry to be made but where it is lawful, and then in peaceable Manner.

I. BE *it Enacted by the People of the State of* New-York, *repreſented in Senate and Aſſembly, and it is hereby Enacted by the Authority of the ſame*, That no Perſon or Perſons ſhall hereafter make any Entry into any Lands, Tenements or other Poſſeſſions, but in Caſes where Entry is given by the Law, and in ſuch Caſe, not with ſtrong Hand, nor with Multitude of People, but only in peaceable and eaſy Manner; and if any Perſon from henceforth do to the Contrary, and thereof be duly convicted, he ſhall be puniſhed by Fine and Impriſonment. *And further*, That at all Times when ſuch forcible Entry ſhall be made, and Complaint thereof cometh to the Juſtices of the Peace of the ſame County, or to any of them, the ſame Juſtices or Juſtice ſhall take ſufficient Power of the County, and go to the Place where ſuch Force is made, and if they find any that hold ſuch Place forcibly, after ſuch Entry made, the ſame Juſtices or Juſtice ſhall record ſuch Force, and ſet and impoſe a Fine, not exceeding *Five Pounds*, upon every of the ſaid Offenders, to be paid by them for their ſaid Offences, to the People of this State, and cauſe every of them ſo holding by Force, to be taken and put into the next *Gaol* of the ſame County, there to abide convict, by the Record of the ſame Juſtices or Juſtice, until they ſhall have reſpectively paid ſuch Fine to the People of this State. *And further*, That all the People of the County, as well the Sheriffs as others, ſhall be attendant upon the Juſtices, to go and aſſiſt the ſame Juſtices to arreſt ſuch Offenders, upon Pain of Fine and Impriſonment.

Juſtices, on Complaint of forcible Entry, to view and record the Force, if found, and fine or impriſon the Offenders.

All Perſons to aſſiſt the Juſtices in arreſting the Offenders.

II. AND to the End that the Party aggrieved, where any Perſon ſhall make any ſuch Entry by Force, or ſhall enter in peaceable Manner, and after hold by Force, may have Reſtitution; *Be it further Enacted by the Authority aforeſaid*, That where any Perſon doth make any forcible Entry into any Lands, Tenements or other Poſſeſſions, or them hold forcible, after Complaint thereof made within the ſame County where ſuch Entry is made, to the Juſtices of the Peace of the ſame County, or to any one of them, by the Party grieved; the ſame Juſtices or Juſtice, ſo warned, within a convenient Time, ſhall go to the Place where ſuch Force is made, taking the Power of the County with him or them, if Need be, and remove ſuch Force, if any there be; and ſhall, at the Coſts of the Party grieved, cauſe this Act to be duly executed; and whether the Perſons making ſuch Entries be preſent, or departed before the Coming of the ſame Juſtices or Juſtice, the ſame Juſtices or Juſtice, in ſome good Town in the ſame County next to the Tenements ſo entered, or in ſome other convenient Place, according to their Diſcretion, ſhall have, and either of them ſhall have Authority and Power to enquire, by the People of the ſame County, as well of them that make ſuch forcible Entries into Lands or Tenements, as of them which the ſame hold with Force; and if it be found before any of them, that any doth contrary to this Statute, then the ſaid Juſtices or Juſtice ſhall cauſe the Lands

Juſtices to remove the Force,

And, at the Coſts of the Party grieved, to take Inquiſition of forcible Entries and Detainers;

And, upon ſuch Force being found, to cauſe Reſtitution to be made.

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and Tenements ſo entered or holden as aforeſaid, to be reſeiſed, and ſhall put the Party, ſo put out, in full Poſſeſſion of the ſame Lands and Tenements ſo entered or holden as aforeſaid. And if any Perſon, after ſuch Entry into Lands or Tenements holden with Force, make a Feoffment, or other Diſcontinuance to any Perſon, to have Maintenance, or to take away and defraud the Poſſeſſor of his Recovery in any wiſe, if after, in Aſſiſe or other Action thereof to be taken or purſued, in any Court of Record, by due Inquiry thereof to be taken, the ſame Feoffments and Diſcontinuances be duly proved to be made for Maintenance as aforeſaid; then ſuch Feoffments, or other Diſcontinuances, ſo as before made, ſhall be void, fruſtrate, and holden for none.

Juſtices to iſſue a Precept to the Sheriff, to ſummon a Jury to enquire of the Force,

III. *And be it further Enacted by the Authority aforeſaid*, That when the ſaid Juſtices or Juſtice make ſuch Inquiries as aforeſaid, they or one of them ſhall make a Warrant or Precept, to be directed to the Sheriff of the ſame County, commanding him, in the Name of the People of the State of *New-York*, to cauſe to come before the ſame Juſtices or Juſtice, at a certain Time and Place, therein to be ſpecified, not leſs than *two* Days from the Time of iſſuing thereof, *Twenty-four* good and lawful Men of the ſame County, duly qualified to ſerve as Jurors in ſuch County, on Trials in the Supreme Court, to enquire of ſuch Entries; and ſhall, at the Time of making ſuch Warrant or Precept, cauſe a Notice in Writing, of the iſſuing thereof, and of the Time and Place of the Return thereof, to be affixed up in ſome public and ſuitable Place, upon the Lands or Tenements ſo entered or holden, or delivered to the Party againſt whom ſuch Complaint is made, if ſuch Party be on the Premiſes.

And cauſe Notice to be given to the Party.

And further, That the Sheriff ſhall return Iſſues upon every one of the Jurors, at the Day of the Return of the firſt Precept, *Twenty Shillings*, and at every Day after, the Double.

Sheriff to return Iſſues.

And if any Perſon who ſhall be indicted upon this Act, before ſuch Juſtices or Juſtice, ſhall immediately traverſe ſuch Indictment, then the ſame Juſtices or Juſtice ſhall make a Warrant or Precept, to be directed to the Sheriff of the ſame County, commanding him, in the Name of the People of the State of *New-York*, to cauſe to come before ſuch Juſtices or Juſtice, at a certain Day, not leſs than *four*, nor more than *eight* Days from the Time of iſſuing ſuch Precept, and at a certain Place therein to be ſpecified, *twelve* good and lawful Men of the ſame County, who ſhall be ſuch as are or ſhall be qualified to ſerve as Jurors as aforeſaid, to try the ſame Traverſe, and the Sheriff ſhall return Iſſues upon every of them in the Manner aforeſaid.

If Perſons indicted traverſe the Force, the Juſtices to iſſue a Precept to the Sheriff, to ſummon a Jury to try ſuch Traverſe.

And if any Sheriff be ſlack, and make not Execution duly of ſuch Precept to him directed, to make ſuch Inquiries, or try ſuch Traverſe, he ſhall forfeit *Twenty Pounds* for every Default, to the Party grieved; to be recovered, with Coſts of Suit, in any Court of Record in the ſame County where the Offence ſhall be committed, by Action of Debt, Bill, Plaint or Information.

Sheriff being delinquent, to forfeit 20l.

No Reſtitution to be made, if Defendant or his Anceſtors has been in Poſſeſſion *three* Years.

IV. *And be it further Enacted by the Authority aforeſaid*, That no Reſtitution upon any Indictment of forcible Entry, or holding with Force, be made to any Perſon or Perſons, if the Perſon or Perſons ſo indicted, or his or their Anceſtors, or thoſe whoſe Eſtate they have in ſuch Lands and Tenements, hath or have had the Occupation, or hath or have been in quiet Poſſeſſion, by the Space of *three* whole Years together, next before the Day of ſuch Indictment ſo found, and his, her or their Eſtate or Eſtates therein not ended or determined, which the Party indicted ſhall and may alledge for Stay of Reſtitution, and Reſtitution to ſtay until that be tried, if the Party complaining will deny or traverſe the ſame; and then the Juſtices or Juſtice, before whom ſuch Indictment ſhall be found, ſhall proceed to try the ſame in the Manner herein before directed.

V. *And*

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If Traverſe be tried againſt the Defendant Reſtitution ſhall be awarded, and the Perſon convicted to pay Coſts and Damages.

V. *And be it further Enacted by the Authority aforeſaid*, That if the Allegation or Traverſe, taken or made by the Perſon or Perſons indicted, be tried againſt the Perſon or Perſons ſo indicted, either before the ſame Juſtices or Juſtice, or before the Juſtices of the Supreme Court, or either of them, in Caſe the Proceedings be removed into the Supreme Court before ſuch Trial, then, and in every ſuch Caſe, Reſtitution ſhall be awarded by the Juſtices or Juſtice before whom the ſame ſhall be tried, or by the Supreme Court, in the ſame Manner as if no Plea or Traverſe had been made or put in by ſuch Perſons ſo indicted; and the Perſon or Perſons ſo convicted, ſhall pay ſuch Coſts and Damages to the Party complaining, as ſhall be aſſeſſed by the Juſtices or Juſtice before whom the ſame is tried, or by the Supreme Court, if the Proceedings ſhall be removed into the Supreme Court before ſuch Trial as aforeſaid; the ſame Coſts and Damages to be recovered and levied in the ſame Manner, as Coſts and Damages upon Judgments in other Actions are recovered.

Coſts and Damages how to be levied.

This Act to extend to Freeholders, Tenants for Years, and Guardians.

VI. *And be it further Enacted by the Authority aforeſaid*, That this Act ſhall extend as well to Tenants for Years and Guardians, as to ſuch as have Eſtates of Freehold.

The Party diſſeiſed or ejected, may have Aſſiſe or Treſpaſs againſt the Offenders,

VII. *And be it further Enacted by the Authority aforeſaid*, That if any Perſon be ſeiſed or ejected, or put out of any Lands or Tenements in forcible Manner, or put out peaceably, and after holden out with ſtrong Hand, or after ſuch Entry any Feoffment or Diſcontinuance in any wiſe thereof be made to defraud and take away the Right of the Poſſeſſor, the Party grieved in this Behalf ſhall have Aſſiſe of Novel Diſſeiſin, or a Writ of Treſpaſs againſt ſuch Offenders; and if the Party aggrieved recover by Aſſiſe, or by Action of Treſpaſs, and it be found by Verdict, or in any other Manner by due Courſe of Law, that the Party Defendant entered with Force into the Lands and Tenements, or them, after his Entry did hold with Force, the Plaintiff ſhall recover his treble Damages, with Coſts of Suit, againſt the Defendant.

And recover treble Damages, with Coſts.

Mayors, Recorders, Juſtices, Aldermen & Sheriffs of Cities, to execute this Act.

VIII. *And be it further Enacted by the Authority aforeſaid*, That all Mayors, Recorders, Juſtices of the Peace and Aldermen, and Sheriffs of Cities, ſhall have, in the ſame Cities, the like Power to remove ſuch Entries, and in the other Articles aforeſaid, ariſing within the ſame, as the Juſtices of the Peace and Sheriffs have, by this Act, in the ſeveral Counties of this State.

CHAP. VII.

An ACT *to enable Grantees of Reverſions to take Advantage of the Conditions to be performed by Leſſees.*

Paſſed 6th February, 1788.

Grantees of Reverſions may take Advantage of Conditions.

I. BE *it Enacted by the People of the State of* New-York, *repreſented in Senate and Aſſembly, and it is hereby Enacted by the Authority of the ſame*, That as well all and every Perſon and Perſons, and Bodies Politic and Corporate, their Heirs, Succeſſors and Aſſigns, which have, or ſhall have any Gift or Grant of the People of the State of *New-York*, by any Ways or Means howſoever, of any Manors, Lands, Tenements, Rents or other Hereditaments, or of any Reverſion or Reverſions of the ſame, which did belong or appertain to any other Perſon or Perſons, and have or ſhall, by any Ways or Means, come to the People of the State of *New-York*; as alſo, all other Perſons being Grantees or Aſſignees, to or by the People of the State of *New-York*, or to or by any other Perſon or Perſons, and the Heirs, Executors, Succeſſors and Aſſigns of every of them, ſhall and may have and enjoy like Advantages againſt the Leſſees, their Executors, Adminiſtrators and

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and Aſſigns, by Entry for the Non-Payment of the Rent, or for doing of Waſte or other Forfeiture: *And alſo*, Shall and may have and enjoy all and every ſuch like and the ſame Advantage, Benefit and Remedies, by Action only, for not performing other Conditions, Covenants or Agreements, contained and expreſſed in their Leaſes, Demiſes or Grants, againſt all and every the ſaid Leſſees and Termers, and Grantees, their Executors, Adminiſtrators and Aſſigns, as the Leſſors and Grantors themſelves, or their Heirs or Succeſſors ought, ſhould or might have had and enjoyed, at any Time or Times, in like Manner and Form as if the Reverſion of ſuch Lands, Tenements or Hereditaments had remained and continued in the ſame Leſſors or Grantors, or in their Heirs or Succeſſors.

Leſſees may have the like Remedy againſt the Grantees, of the Reverſions which they might have had againſt their Grantors.

II. *And be it further Enacted by the Authority aforeſaid*, That all Termers, Leſſees, and Grantees of Manors, Lands, Tenements, Rents, or any other Hereditaments, for Term of Years, or Life or Lives, their Executors, Adminiſtrators and Aſſigns, ſhall and may have like Action, Advantage and Remedy, againſt all and every Perſon and Perſons, and Bodies Politic and Corporate, their Heirs, Succeſſors and Aſſigns, which have or ſhall have any Gift or Grant of the People of the State of *New-York*, or of any other Perſon or Perſons of the Reverſion of the ſame Manors, Lands, Tenements, Rents or Hereditaments, ſo letten, or any Parcel thereof, for any Condition, Covenant or Agreement, contained or expreſſed in their Leaſe or Leaſes, as the ſame Leſſees or any of them might and ſhould have had againſt their Leſſors and Grantors, their Heirs or Succeſſors; all Benefits and Advantages of Recoveries in Value, by Reaſon of any Warrantee in Deed or in Law, by Voucher or otherwiſe, only excepted.

Except Recoveries in Value.

CHAP. VIII.

An ACT *to compel Joint Tenants and Tenants in Common, to make Partition, and for the more eaſy obtaining Partition of Lands in Coparcenary, Joint Tenancy and Tenancy in Common.*

Paſſed 6th February, 1788.

Joint-Tenants and Tenants in Common of Eſtates of Inheritance, compelled to make Partition by Writ of Partition, as Coparceners at Common Law.

I. BE *it Enacted by the People of the State of* New-York, *repreſented in Senate and Aſſembly, and it is hereby Enacted by the Authority of the ſame*, That all Joint-Tenants, and Tenants in Common, that now be, or hereafter ſhall be, of any Eſtate or Eſtates of Inheritance in their own Rights or in the Right of their Wives, of any Manors, Lands, Tenements or Hereditaments within this State, ſhall and may be compelled, by Virtue of this Act, to make Partition between them, of all ſuch Manors, Lands, Tenements and Hereditaments, as they now hold, or hereafter ſhall hold, as Joint-Tenants or Tenants in Common, by Writ of Partition in that Caſe to be deviſed, in the Court of Chancery, in like Manner and Form as Coparceners, by the Common Law have been, and are compelled to do, and the ſame Writ to be purſued at the Common Law; but that every of the ſaid Joint-Tenants or Tenants in Common, and their Heirs, after ſuch Partition made, ſhall and may have Aid of the other, or of his, her or their Heirs, to the Intent to dereign the Warranty Paramount, and to Recover for the Rate as is uſed between Coparceners, after Partition made, by the Order of the Common Law.

Joint-Tenants or Tenants in Common for Life or Years, or with others having Eſtates of Inheritance, compellable to make partition.

II. *And be it further Enacted by the Authority aforeſaid*, That all Joint-Tenants, and Tenants in Common, and every of them, who now hold or hereafter ſhall hold, jointly or in Common, for Term of Life or Lives, Year or Years, and Joint-Tenants or Tenants in Common, where one or ſome of them have or ſhall have Eſtate or Eſtates, for Term of Life or Lives, or Year or Years, with the other or others, that have or ſhall have Eſtate or

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Eſtates of Inheritance, or Freehold in any Manors, Lands, Tenements or Hereditaments, ſhall and may be compellable from henceforth, by Writ of Partition out of the Court of Chancery, upon his, her or their Caſe or Caſes, and to be purſued at the Common Law, to make Severance and Partition of all ſuch Manors, Lands, Tenements and Hereditaments, which they hold jointly or in Common, for Term of Life or Lives, Year or Years, or where one or ſome of them hold jointly or in Common, for Term of Life or Lives, Year or Years, with another or others, that have an Eſtate or Eſtates of Inheritance or Freehold. But that no ſuch Partition or Severance hereafter to be made by Force of this Clauſe of this Act, be, nor ſhall be prejudicial or hurtful to any Perſon or Perſons, their Heirs or Succeſſors, other than ſuch as be Parties unto the ſaid Partition, their Executors or Aſſigns.

Such Partition not to affect any but the Parties and their Repreſentatives.

III. *And be it further Enacted by the Authority aforeſaid*, That after Proceſs of *Pone*, or Attachment returned upon any Writ of Partition, between Coparceners at the Common Law, or Cuſtom, or between Joint-Tenants or Tenants in Common, by Virtue of this Act, Affidavit being made by any credible Perſon, of due Notice given of the ſaid Writ of Partition to the Tenant or Tenants to the Action, and a Copy thereof left with the Occupier or Tenant or Tenants, or if they cannot be found, to the Wife, Son or Daughter, (being of the Age of One and Twenty Years or upwards) of the Tenant or Tenants, or to the Tenant in actual Poſſeſſion, by Virtue of any Eſtate of Freehold, or for Term of Years, or uncertain Intereſt, or at Will, of the Manors, Lands, Tenements or Hereditaments, whereof the Partition is demanded, (unleſs the ſaid Tenant in actual Poſſeſſion be Demandant in the Action) at leaſt *forty* Days before the Day of the Return of the ſaid *Pone*, or Attachment, if the Tenant or Tenants to ſuch Writ or any of them, or the true Tenant to the Meſſuages, Lands, Tenements and Hereditaments, as aforeſaid, ſhall not in ſuch Caſe within *fifteen* Days after Return of ſuch Writ of *Pone* or Attachment, cauſe an Appearance to be entered in ſuch Court where ſuch Writ of *Pone* or Attachment ſhall be returnable, then, in Default of ſuch Appearance, the Demandant having entered his Declaration, the Court may proceed to examine the Demandant's Title, and Quantity of his Part and Purpart, and accordingly as they ſhall find his Right, Part and Purpart to be, they ſhall for ſo much, give Judgment by Default, and award a Writ to make Partition, whereby ſuch Proportion, Part and Purpart may be ſet out ſeverally; which Writ being executed, after *eight* Days Notice given to the Occupier, or Tenant or Tenants, of the Premiſes, and returned, and thereupon final Judgment entered, the ſame ſhall be good, and conclude all Perſons whatſoever, after Notice as aforeſaid, whatever Right or Title they have or may at any Time claim to have, in any of the Manors, Meſſuages, Lands, Tenements and Hereditaments, mentioned in the ſaid Judgment and Writ of Partition, although all Perſons concerned are not named in any of the Proceedings, nor the Title of the Tenants truly ſet forth. *Provided always*, That if ſuch Tenant or Perſon concerned, or either of them, againſt whom, or their Right or Title, ſuch Judgment by Default is given, ſhall, within the Space of *one Year* after the firſt Judgment entered, or in Caſe of Infancy, Coverture, inſane Memory, or Abſence out of the State, within *one Year* after his, her or their Return, or the Determination of ſuch Inability, apply themſelves to the Court where ſuch Judgment is entered, by Motion, and ſhew good and probable Matter in Bar of ſuch Partition, or that the Demandant hath not Title to ſo much as he hath recovered; then, in ſuch Caſe, the Court may ſuſpend or ſet aſide ſuch Judgment, and admit the Tenant and Tenants to appear and plead, and the Cauſe ſhall proceed according to due Courſe of Law, as if no ſuch Judgment had been given; and if the Court upon hearing thereof, ſhall adjudge for the firſt Demandant, then the ſaid firſt Judgment ſhall ſtand confirmed, and be good againſt all Perſons whatſoever

Manner of proceeding in Partition.

ſoever, except ſuch other Perſons as ſhall be abſent or diſabled as aforeſaid; and the Perſon or Perſons ſo applying, ſhall be awarded thereupon, to pay Coſts; or if, within ſuch Time or Times aforeſaid, the Tenants or Perſons concerned, admitting the Demandant's Title, Parts and Purparts, ſhall ſhew to the Court an Inequality in the Partition, the Court may award a new Partition, to be made in the Preſence of all Parties concerned, if they will appear, notwithſtanding the Return and filing upon Record of the former; which ſaid ſecond Partition, returned and filed, ſhall be good and firm forever againſt all Perſons whatſoever, except as before excepted.

No Plea of Abatement admitted in Suits for Partition.

IV. *And be it further Enacted by the Authority aforeſaid*, That no Plea in Abatement ſhall be admitted or received in any Suit for Partition; nor ſhall the ſame be abated by Reaſon of the Death of any Tenant.

How the Under Sheriff to execute a Writ of Partition in the Abſence of the Sheriff;

But Return to be made as if the Sheriff was preſent.

V. *And be it further Enacted by the Authority aforeſaid*, That when the Sheriff, by Reaſon of Diſtance, Infirmity, or any other Hindrance, cannot conveniently be preſent at the Execution of any Judgment in Partition, in ſuch Caſe the Under Sheriff in the Preſence of two Juſtices of the Peace of the County where the Lands, Tenements or Hereditaments to be divided, do lie, ſhall and may proceed to the Execution of any Writ of Partition, by Inquiſition in due Form of Law, as if the Sheriff were then perſonally preſent; and the Sheriff thereupon ſhall, and is hereby enabled and required, to make the ſame Return as if he were perſonally preſent at ſuch Execution; and in Caſe ſuch Partition be made, returned and filed, he or they that were Tenant or Tenants of any of the ſaid Meſſuages, Lands, Tenements and Hereditaments, or of any Part or Purpart thereof, before they were divided, ſhall be Tenant or Tenants for ſuch Part ſet out ſeverally to the reſpective Landlords or Owners thereof, by and under the ſame Conditions, Rents, Covenants and Reſervations, where they are or ſhall be ſo divided; and the Landlords and Owners of the ſeveral Parts and Purparts ſo divided and allotted as aforeſaid, ſhall warrant and make good, to the reſpective Tenants, the ſaid ſeveral Parts ſeverally, after ſuch Partition, as they are or were bound to do, by any Agreement, Leaſes or Grants of their reſpective Parts, before any Partition made; and in Caſe any Demandant be Tenant in actual Poſſeſſion to the Tenant to the Action, for his Part and Proportion or any Part thereof, in the Meſſuages, Lands, Tenements and Hereditaments, to be divided by Virtue of a Writ of Partition as aforeſaid, for any Term of Life, Lives or Years, or uncertain Intereſt, the ſaid Tenant ſo in actual Poſſeſſion ſhall ſtand and be poſſeſſed of the ſaid Purparts and Proportions for the like Term, and under the ſame Conditions and Covenants, when it is ſet out ſeverally in purſuance of this Act.

Tenants to hold the Parts ſet out for their Landlords, who are to warrant them as before Partition made.

Sheriffs, Under-Sheriffs, Deputies and Juſtices, to attend Execution of Writs of Partition, or pay Coſts and Damages not exceeding 5*l.*

How to be recovered.

VI. *And be it further Enacted by the Authority aforeſaid*, That the reſpective Sheriffs, their Under Sheriffs and Deputies, and in Caſe of Sickneſs or Diſability of the Sheriff, all Juſtices of the Peace within their reſpective Counties, ſhall give due Attendance to the executing ſuch Writ of Partition, unleſs reaſonable Cauſe be ſhewn to the Court, upon Oath, and there allowed of, or otherwiſe be liable, every of them, to pay unto the Demandant, ſuch Coſts and Damages as ſhall be awarded by the Court, not exceeding *Five Pounds*, for which the Demandant or Plaintiff may bring his Action in any Court having Cognizance thereof, and recover the ſame with Coſts; and in Caſe the Demandant ſhall not agree to pay to the Sheriff or Under Sheriff, Juſtices and Jurors, ſuch Fees as they ſhall reſpectively demand for their Pains and Attendance, in the Execution of the ſame, and the returning thereof, then the Court ſhall award what each Perſon ſhall receive, having Reſpect to the Diſtance of the Place from their reſpective Habitations, and the Time they muſt neceſſarily ſpend about the ſame, for which they may ſeverally bring their Actions as aforeſaid.

Demandant accountable for Fees.

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CHAP. IX.

An ACT *to redreſs Diſorders by common Informers, and to prevent malicious Informations.*

Paſſed 6th February, 1788.

I. BE *it Enacted by the People of the State of* New-York, *repreſented in Senate and Aſſembly, and it is hereby Enacted by the Authority of the ſame,* That every Informer, upon any penal Statute, made or to be made, ſhall exhibit or commence his Suit in proper Perſon, and purſue the ſame only by himſelf, or by his Attorney in Court, and that no Perſon ſhall be admitted or received to purſue againſt any Perſon or Perſons, upon any penal Statute, but by Action of Debt, Bill, Plaint or Information, and not otherwiſe, nor ſhall have, nor uſe any Deputy or Deputies at all; and that upon every ſuch Information which ſhall be exhibited, a ſpecial Note be made of the very Day, Month and Year of the exhibiting thereof, into any Office, or to any Officer who lawfully may receive the ſame, without any Manner of Antidate thereof to be made, and that the ſame Information ſhall be accounted and taken to be of Record from that Time forward, and not before; and that no Proceſs be ſued out upon ſuch Information, until the Information be exhibited in Form aforeſaid. *And further,* That upon every Proceſs to be ſued out upon any ſuch Action, Bill, Plaint or Information, to compel the Appearance of any Defendant, ſhall be endorſed, as well the Name of the Party who purſueth the ſame Proceſs, as alſo the Title of the Statute upon which the Action or Information, in that Behalf had or made, is grounded; and that every Clerk, making out or iſſuing Proceſs, contrary to the Tenor and Proviſion of this Act, ſhall forfeit and loſe *Three Pounds* for every ſuch Offence; the one Half to the Uſe of the People of this State of *New-York*, and the other Half to the Party againſt whom any ſuch defective Proceſs ſhall be awarded; to be recovered, with Coſts, in any Court having Cognizance thereof, by Action of Debt, Bill, Plaint or Information.

Informers on penal Statutes, to commence their Suits in Perſon, and proſecute in Perſon or by Attorney.

Time of filing Information, to be indorſed.

Name of Party purſuing, and Title of Statute, to be indorſed on the Proceſs,

Or Clerk iſſuing the ſame to forfeit 3l.

II. *And be it further Enacted by the Authority aforeſaid,* That in all Informations to be exhibited, and in all Bills, Plaints and Declarations in any Action or Suit, to be commenced againſt any Perſon or Perſons, either by or on Behalf of the People of the State of *New-York*, or by any other, or on the Behalf of the People of the State of *New-York*, and any other, for or concerning any Offence committed or to be committed againſt any penal Statute, made or to be made, the Offence ſhall be laid and alledged to have been committed in the County where ſuch Offence was in Truth committed, and not elſewhere; and if the Defendant to any ſuch Information, Action or Suit, pleadeth that he oweth nothing, or that he is not guilty, and the Plaintiff or Informer in ſuch Information, Action or Suit, upon Evidence to the Jury that ſhall try ſuch Iſſue, ſhall not both prove the Offence laid in the ſaid Information, Action or Suit, and that the ſame Offence was committed in that County, then the Defendant and Defendants ſhall be found not guilty. *Provided always,* That this Act, or any Thing herein contained, ſhall not extend to the laying or alledging of any Offence in any Declaration, Bill, Plaint or Information, for or concerning any Maintenance, Champerty, buying of Titles, Imbracery or Extortion, or for or concerning any Matter of corrupt Uſury, or for or concerning any Cuſtom, Duty or Impoſt, upon any Goods, Wares or Merchandize, imported or to be imported into this State; but that every ſuch Offence ſhall or may be laid in any County, at the Pleaſure of any ſuch Informers.

In all Informations, Bills, Plaints and Declarations, the Offence to be laid in the County where it was committed, and not elſewhere;

Or Defendant to be found not guilty.

What Offences may be laid in any County.

III. *And be it further Enacted by the Authority aforeſaid,* That if any Information, Suit or Action, ſhall be brought or exhibited againſt any Perſon or Perſons, for any Offence committed or to be committed againſt the Form of any penal Law made or to be made, either by or on Behalf of the People of

In Actions on penal Laws, Defendants may plead the general Iſſue, and give the ſpecial Matter in Evidence.

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of the State of *New-York*, or by any other, or on the Behalf of the People of the State of *New-York*, and any other, it ſhall be lawful for ſuch Defendants to plead the General Iſſue, that they are not guilty, or that they owe nothing, and to give ſuch ſpecial Matter in Evidence to the Jury that ſhall try the ſame, as if pleaded, would have been a good and ſufficient Matter in Law to have diſcharged ſuch Defendant or Defendants, againſt the ſaid Information, Suit or Action, and the ſaid Matter ſhall be as available to him or them, to all Intents and Purpoſes, as if he or they had ſufficiently pleaded, ſet forth or alledged the ſame Matter in Bar or Diſcharge of ſuch Information, Suit or Action.

Proceſs in Actions upon penal Statutes, to be as in Actions of Treſpaſs at Common Law.

IV. *And be it further Enacted by the Authority aforeſaid*, That the like Proceſs in any Action, Bill, Plaint, Information or Suit, to be commenced, ſued or proſecuted upon any penal Statute, made or to be made, ſhall be had and awarded, to all Intents and Purpoſes, as in an Action of Treſpaſs with Force and Arms at the Common Law.

Citizens of this State, or of the United States, ſued in the Supreme Court, or Court of Exchequer, upon any penal Law, may appear by Attorney, without Bail.

V. *And be it further Enacted by the Authority aforeſaid*, That if any Citizen of this State, or of any of the United States of *America*, ſhall be ſued or informed againſt in the Supreme Court, or in the Court of Exchequer, upon any penal Law, made or to be made, where ſuch Perſon is bailable by Law, or where by the Leave or Favour of the Court ſuch Perſon may appear by Attorney, then, in all and every ſuch Caſe, the Perſon ſo impleaded or ſued, ſhall and may, at the Day and Time contained in the firſt Proceſs, ſerved for his or her Appearance, appear by Attorney of the ſame Court where the Proceſs is returnable, to anſwer and defend the ſame, and ſhall not be urged to a perſonal Appearance, or to put in Bail for the anſwering of ſuch Suit.

When the Trial of any Iſſue upon a penal Statute, may be at Bar.

VI. *And be it further Enacted by the Authority aforeſaid*, That no Jury ſhall be compelled to appear in the Supreme Court, or Court of Exchequer, for the Trial of any Iſſue in any Action, Information or Suit, upon any penal Statute, for any Offence committed above *thirty* Miles from the Place where the ſame Court ſhall ſit, except in Caſe where the Attorney-General for the Time being, for ſome reaſonable Cauſe in that Behalf to be ſhewed, ſhall require the ſame to be tried at the Bar in either of the ſaid Courts, which Requeſt ſhall be noted on the Back of the Writ of *Diſtringas* thereupon awarded, to the End the Sheriff, or his Bailiff, may and ſhall ſignify the ſame to the Jury that are in ſuch Caſe impaneled.

Recovery or Bar by Covin, in a popular Action, no Plea in an Action ſued with good Faith.

VII. *And be it further Enacted by the Authority aforeſaid*, That if any Perſon or Perſons ſhall ſue with good Faith, any Action popular, and the Defendant or Defendants in the ſame Action, plead any Manner of Recovery in any Action popular, in Bar of the ſaid Action, or elſe that the ſame Defendant or Defendants plead, that he or they, before that Time, barred any Plaintiff or Plaintiffs in any ſuch Action popular, that then the Plaintiff or Plaintiffs, in the Action taken with good Faith, may aver that the ſaid Recovery in the ſaid Action popular was had by Covin, or elſe aver, that the ſaid Plaintiff or Plaintiffs ſo barred, was or were barred in the ſaid Action popular, by Covin; and then, if after ſuch Averment, the ſaid Colluſion or Covin ſo averred, be lawfully found, the Plaintiff or Plaintiffs in the Action ſued with good Faith, ſhall recover, according to the Nature of the Action, and have Execution upon the ſame, in like Manner as if no ſuch Action or Recovery had been before had.

Defendant convicted of Covin, to be impriſoned *two* Years.

And further, That in every ſuch Action popular, wherein the Defendant or Defendants ſhall be lawfully condemned, or attainted of Covin or Colluſion as aforeſaid, every ſuch Defendant ſhall have Impriſonment of *two* Years, by Proceſs of *Capias*, to be ſued within the Year after ſuch Judgment had, or at any Time after, till the ſaid Defendant

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or Defendants ſhall be had and impriſoned as aforeſaid, and that as well at the Suit of the People of the State of *New-York*, as of every other that will ſue in that Behalf, and ſuch Proceſs ſhall and may be purſued to Outlawry.

No Releaſe of any common Perſon to bar a popular Action.

And moreover, no Releaſe of any common Perſon made or to be made to any ſuch Defendant or Defendants, whether before or after any Action popular, or Indictment of the ſame had or commenced, or made or pending the ſame Action, ſhall be in any wiſe available or effectual to let, ſurceaſe or bar the

Covin not to be averred where the Point has been tried by a Jury.

ſaid Action, Indictment, Proceſs or Execution. *Provided always*, That no Plaintiff or Plaintiffs be, in any wiſe, received to aver any Covin in an Action popular, where the Point of the ſame Action, or elſe the Covin or Colluſion, have been once tried, or lawfully found with the Plaintiff or Plaintiffs, or againſt them, by the Verdict of *twelve* Men, and not otherwiſe.

No Informer, or Plaintiff, to compound with any Offender, without Conſent of Court.

VIII. *And be it further Enacted by the Authority aforeſaid*, That no Informer or Plaintiff, in any Action popular, ſhall or may compound or agree with any Perſon or Perſons, who ſhall offend, or ſhall be ſurmiſed to have offended againſt any penal Statute, made or to be made for ſuch Offence committed, or pretended to have been committed, but after Anſwer made in Court to the Information or Suit in that Behalf exhibited or proſecuted, nor after Anſwer, but by the Order or Conſent of the Court in which the ſame Information or

Informer, or Plaintiff, upon Diſcontinuance, Nonſuit, or Verdict for Defendant, to pay Coſts.

Suit is or ſhall be depending. *And further*, That if any ſuch Informer or Plaintiff as aforeſaid, ſhall willingly delay his Suit, or ſhall diſcontinue or become nonſuit in the ſame, or ſhall have the Trial or Matter paſſed againſt him therein, by Verdict or Judgment of Law; that then, and in every ſuch Caſe, the ſame Informer or Plaintiff ſhall yield, ſatisfy and pay unto the Party Defendant, his Coſts, Charges and Damages, to be aſſigned by the Court in which the ſame Suit is or ſhall be attempted. For the Recovery whereof, every ſuch Defendant ſhall, immediately upon the ſame Coſts, Charges and Damages aſſigned, have his Execution for the ſame, to be awarded unto him out of the ſame Court in which the ſame ſhall be ſo aſſigned as aforeſaid, as in other Caſes of Execution.

Penalty on Informers for Miſconduct.

IX. *And be it further Enacted by the Authority aforeſaid*, That if any Perſon or Perſons (except the Clerks of the Court only for making out of Proceſs otherwiſe than is above appointed) ſhall offend in ſuing out of Proceſs, making of Compoſition, or other Miſdemeanor, contrary to the true Intent and Meaning of this Act, or ſhall, by Colour or Pretence of Proceſs, or without Proceſs, upon Colour or Pretence of any Matter of Offence, againſt any penal Law, make any Compoſition or take any Money, Reward, or Promiſe of Reward, for himſelf, or to the Uſe of any other, without the Order or Conſent of ſome Court of Record; that then, he or they ſo offending, being thereof lawfully convicted, ſhall for ever be diſabled to purſue, or be Plaintiff or Informer, in any Suit or Information upon any Statute popular or penal, and ſhall alſo, for every ſuch Offence, forfeit and loſe the Sum of *Forty Pounds*; the one Half thereof to the People of the State of *New-York*, and the other Half to the Party grieved thereby, to be recovered, with Coſts, in any Court of Record, by Action of Debt, Bill, Plaint or Information; and that Juſtices of Oyer and Terminer, Juſtices of Gaol Delivery, and Juſtices of the Peace, in their Seſſions, ſhall have full Power and Authority to hear and determine all Offences to be committed or done, contrary to the true Intent and Meaning of this Act.

This Act not to extend to Perſons to whom any Penalty is ſpecially given.

X. *Provided always, and be it further Enacted by the Authority aforeſaid*, That this Act ſhall not extend to reſtrain any certain Perſon, Body Politic or Corporate, to whom or to whoſe Uſe any Forfeiture, Penalty or Suit, is or ſhall be ſpecially limited or granted, by Virtue of any Statute, and not generally to any Perſon who will ſue, but that every ſuch certain Perſon, Body Politic or Corporate, may, in ſuch Caſe, ſue, inform and purſue, as he or they might have done, if this Act had never been made.

XI. AND

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XI. And to prevent malicious Informations in the Supreme Court of Judicature of this State, for Treſpaſſes, Batteries and other Miſdemeanors; *Be it further Enacted by the Authority aforeſaid*, That the Clerk of the Supreme Court for the Time being, ſhall not, without expreſs Order to be given by the ſaid Court, receive or file any Information, for any Treſpaſs, Battery or other Miſdemeanor, or ſeal any Proceſs thereupon, before he ſhall have delivered to him, a Recognizance from the Perſon or Perſons procuring ſuch Information or Informations to be exhibited, to be entered into, to the Perſon or Perſons againſt whom ſuch Information or Informations is or are to be exhibited, with ſufficient Security, in the Penalty of *Twenty Pounds*, that he, ſhe or they will effectually proſecute ſuch Information or Informations, and abide by and obſerve ſuch Orders as the ſaid Court ſhall direct (which Recognizance any one of the Judges of the ſaid Supreme Court is empowered to take); and after the taking and Receipt whereof, the Clerk of the ſaid Court ſhall make an Entry thereof upon Record, and ſhall file a Memorandum in ſome public Place in his Office, that all Perſons may reſort thereunto without Fee. And in Caſe any Perſon or Perſons, againſt whom any Information or Informations for the Cauſes aforeſaid, or any of them, ſhall be exhibited, ſhall appear thereunto, and plead to Iſſue, and the Proſecutor or Proſecutors of ſuch Information or Informations, ſhall not, at his and their own proper Coſts and Charges, at or before the *ſecond* Court (in which the ſame might be tried) next after Iſſue joined therein, procure the ſame to be tried; or if upon ſuch Trial, a Verdict paſs for the Defendant or Defendants, or in Caſe the ſaid Informer or Informers procure a *Nolle Proſequi* to be entered, then, in any of the ſaid Caſes, the ſaid Supreme Court is hereby authoriſed to award to the ſaid Defendant or Defendants, his or their Coſts, unleſs the Judge before whom ſuch Information or Informations ſhall be tried, ſhall, at the Trial of ſuch Information or Informations, in open Court, certify upon Record, that there was a reaſonable Cauſe for exhibiting the ſame. And in Caſe the ſaid Informer or Informers ſhall not, within *ten* Days next after the ſaid Coſts ſhall be taxed, and Demand made thereof, pay to the ſaid Defendant or Defendants, the ſaid Coſts, then the ſaid Defendant or Defendants ſhall have the Benefit of the ſaid Recognizance, to compel them thereunto.

Clerk of the Supreme Court not to receive any Information for Treſpaſs or Miſdemeanor, or before Recognizance be delivered to him.

The Clerk to make an Entry thereof upon Record.

If the Defendant is not tried at or before the ſecond Court, after Iſſue joined, or be acquitted, Informer to pay Coſts,

Unleſs the Judge certify there was reaſonable Cauſe for exhibiting the Information.

CHAP. X.

An ACT *for the more effectual Diſcovery of the Death of Perſons beyond Sea, or abſenting themſelves, upon whoſe Lives Eſtates do depend.*

Paſſed 6th February, 1788.

WHEREAS divers Perſons have Eſtates for one or more Life or Lives, or for one or more Year or Years, determinable upon one or more Life or Lives; and it hath often happened, that ſuch Perſon or Perſons, for whoſe Life or Lives ſuch Eſtates are held, have gone beyond Sea, or ſo abſented themſelves for many Years, that the Leſſors, Reverſioners, or Perſons in Remainder, cannot find out whether ſuch Perſon or Perſons be alive or dead; Therefore,

Preamble.

I. *Be it Enacted by the People of the State of* New-York, *repreſented in Senate and Aſſembly, and it is hereby Enacted by the Authority of the ſame*, That if ſuch Perſon or Perſons, for whoſe Life or Lives ſuch Eſtates have been, or ſhall be granted or held as aforeſaid, ſhall remain beyond Sea, or abſent himſelf, herſelf or themſelves in this State, or elſewhere, by the Space of *ſeven* Years together, and no ſufficient and evident Proof be made of the Life or Lives of ſuch Perſon or Perſons reſpectively, in any Action commenced or to be commenced for the Recovery of ſuch Tenements, by the Leſſors or Reverſioners,

Perſons upon whoſe Lives Eſtates depend, being abſent for *ſeven* Years, to be deemed dead.

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ſioners, or other Perſon or Perſons entitled to the ſame Eſtate, upon the Death of ſuch Perſon or Perſons; in every ſuch Caſe, the Perſon or Perſons, upon whoſe Life or Lives ſuch Eſtate depended, ſhall be accounted as naturally dead; and in every Action brought for the Recovery of the ſaid Tenements by the Leſſors or Reverſioners, or other Perſon or Perſons entitled to the ſame, upon the Death of ſuch Perſon or Perſons, and their Heirs or Aſſigns, the Judges before whom ſuch Action ſhall be brought, ſhall direct the Jury to give their Verdict as if the Perſon or Perſons ſo remaining beyond Sea, or otherwiſe abſenting himſelf, herſelf or themſelves, were dead.

Perſons evicted, may re-enter, on Proof, that ſuch abſent Perſon is living.

II. *Provided always, and be it further Enacted by the Authority aforeſaid*, That if any Perſon or Perſons ſhall be evicted out of any Lands or Tenements, by Virtue of this Act, and afterwards, if the Perſon or Perſons upon whoſe Life or Lives ſuch Eſtate or Eſtates depend, ſhall return again from beyond Sea, or ſhall, on Proof in any Action to be brought for the Recovery of the ſame, be made appear to be living, or to have been living at the Time of the Eviction, that then, and from thenceforth, the Tenant or Leſſee who was ouſted of the ſame, his, her or their Executors, Adminiſtrators or Aſſigns, ſhall or may re-enter, re-poſſeſs, have, hold and enjoy the ſaid Lands or Tenements, in his, her or their former Eſtate, for and during the Life or Lives, or ſo long a Term as the ſaid Perſon or Perſons upon whoſe Life or Lives the ſaid Eſtate or Eſtates depend, ſhall be living; and alſo ſhall, upon an Action or Actions, to be brought by him, her or them, againſt the Leſſors, Reverſioners or Tenants in Poſſeſſion, or other Perſons reſpectively, which ſince the Time of ſuch Eviction received the Profits of the ſaid Lands or Tenements, recover for Damages the full Profits of the ſaid Lands or Tenements reſpectively, for and from the Time that he, ſhe or they were ouſted of the ſaid Lands or Tenements, and kept and held out of the ſame, by the ſaid Leſſors, Reverſioners, Tenants, or other Perſons who, after the ſaid Eviction, received the Profits of the ſaid Lands or Tenements, or any of them reſpectively, as well in the Caſe when the ſaid Perſon or Perſons upon whoſe Life or Lives ſuch Eſtate or Eſtates did depend, are or ſhall be dead at the Time of bringing of the ſaid Action or Actions, as if the ſaid Perſon or Perſons were then living.

And recover Damages.

Perſons claiming Eſtates in Remainder, &c. after the Death of an Infant, married Woman, &c. on Affidavit that he hath Cauſe to believe that ſuch Infant, &c. is dead, may apply to the Chancellor.

III. And *whereas* divers Perſons, as Guardians and Truſtees for Infants, and Huſbands in Right of their Wives, and other Perſons, having Eſtates or Intereſts determinable upon a Life or Lives, have continued to receive the Rents and Profits of ſuch Lands or Tenements, after the Determination of their ſaid particular Eſtates or Intereſts; and whereas the Proof of the Death of the Perſons on whoſe Lives ſuch particular Eſtates or Intereſts depended, is very difficult, and ſeveral Perſons have been, and may be thereby defrauded; For Remedy whereof, and for preventing ſuch fraudulent Practices in future, *Be it further Enacted by the Authority aforeſaid*, That any Perſon or Perſons who hath or have, or ſhall have any Claim or Demand in or to any Remainder, Reverſion or Expectancy in or to any Eſtate, after the Death of any Perſon within Age, married Woman, or any other Perſon or Perſons whatſoever, upon Affidavit made in the Court of Chancery in this State, by the Perſon or Perſons ſo claiming ſuch Eſtates, of his, her or their Title, and that he, ſhe or they hath or have Cauſe to believe that ſuch Infant, married Woman, or other Perſon or Perſons, is or are dead, and that his, her or their Death is concealed by ſuch Guardian, Truſtee, Huſband, or any other Perſon or Perſons, ſhall and may once a Year, if the Perſon or Perſons aggrieved ſhall think fit, move the Chancellor for the Time being, to order, and he is hereby authoriſed and required to order ſuch Guardian, Truſtee, Huſband, or other Perſon or Perſons concealing or ſuſpected to conceal ſuch Perſon or Perſons, on whoſe Life or Lives ſuch Eſtate doth, ſhall or may depend,

Who is to order ſuch Infant, &c. to be produced,

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depend, at ſuch Time and Place as the ſaid Court ſhall direct, on Perſonal or other due Service of ſuch Order, to produce and ſhew to ſuch Perſon or Perſons (not exceeding two) as ſhall, in ſuch Order, be named by the Party or Parties proſecuting ſuch Order, ſuch Infant, married Woman, or other Perſon or Perſons aforeſaid; and if ſuch Guardian, Truſtee, Huſband, or ſuch other Perſon or Perſons as aforeſaid, ſhall refuſe or neglect to produce or ſhew ſuch Infant, married Woman, or ſuch other Perſon or Perſons, on whoſe Life or Lives any ſuch Eſtate doth or ſhall depend, according to the Directions of the ſaid Order, that then the ſaid Court of Chancery is hereby authoriſed and required to order ſuch Guardian, Truſtee, Huſband, or other Perſon or Perſons, to produce ſuch Infant, married Woman, or other Perſon or Perſons ſo concealed, in the ſaid Court of Chancery, or otherwiſe before Commiſſioners to be appointed by the ſaid Court, at ſuch Time and Place as the Court ſhall direct; *two* of which Commiſſioners ſhall be nominated by the Party or Parties proſecuting ſuch Order, at his, her or their Coſts and Charges; and in Caſe ſuch Guardian, Truſtee, Huſband, or other Perſon or Perſons, ſhall refuſe or neglect to produce ſuch Infant, married Woman, or other Perſon or Perſons ſo concealed, in the Court of Chancery, or before ſuch Commiſſioners, whereof Return ſhall be made by ſuch Commiſſioners, and that Return filed in the Office of the Regiſter of the ſaid Court of Chancery; then, in any or either of the ſaid Caſes, the ſaid Infant, married Woman, or ſuch other Perſon or Perſons ſo concealed, ſhall be taken to be dead; and it ſhall and may be lawful for any Perſon or Perſons claiming any Right, Title or Intereſt in Reverſion or Remainder, or otherwiſe, after the Death of ſuch Infant, married Woman, or ſuch other Perſon or Perſons ſo concealed as aforeſaid, to enter upon ſuch Lands, Tenements and Hereditaments, as if ſuch Infant, married Woman, or other Perſon or Perſons ſo concealed, were actually dead.

If ſuch Infant, &c. is not produced, ſuch Infant, &c. ſhall be taken to be dead,

And Claimants may enter.

IV. *And be it further Enacted by the Authority aforeſaid*, That if it ſhall appear to the ſaid Court, by Affidavit, that ſuch Infant, married Woman, or other Perſon or Perſons, for whoſe Life or Lives ſuch Eſtate is holden, is or are, or lately was or were, at ſome certain Place or Places, beyond Sea, or elſewhere out of this State, in the ſaid Affidavit to be mentioned, it ſhall and may be lawful for the Party or Parties proſecuting ſuch Order as aforeſaid, at his, her or their Coſts and Charges, to ſend one or both the ſaid Perſons, appointed by the ſaid Order, to view ſuch Infant, married Woman, or other Perſon or Perſons, for whoſe Life or Lives any ſuch Eſtate is or ſhall be holden; and in Caſe ſuch Guardian, Truſtee, Huſband, or other Perſon or Perſons, concealing or ſuſpected to conceal ſuch Perſon or Perſons as aforeſaid, on whoſe Life or Lives any ſuch Eſtate doth or ſhall depend, ſhall refuſe or neglect to produce, or procure to be produced, to ſuch Perſon or Perſons appointed by the ſaid Order, a perſonal View of ſuch Infant, married Woman, or other Perſon or Perſons, for whoſe Life any ſuch Eſtate is or ſhall be holden; that then, and in ſuch Caſe, the Perſon or Perſons appointed by ſuch Order, are hereby required to make a true Return of ſuch Refuſal or Neglect to the ſaid Court, which Return ſhall be filed in the Office of the Regiſter of the ſaid Court, and thereupon ſuch Infant, married Woman, or other Perſon or Perſons, for whoſe Life or Lives any ſuch Eſtate is or ſhall be holden, ſhall be taken to be dead; and it ſhall and may be lawful for any Perſon or Perſons, claiming any Right, Title or Intereſt in Reverſion, Remainder or otherwiſe, after the Death of ſuch Infant, married Woman, or other Perſon or Perſons, for whoſe Life or Lives any ſuch Eſtate is or ſhall be holden, to enter upon ſuch Lands, Tenements and Hereditaments, as if ſuch Infant, married Woman, or other Perſon or Perſons, for whoſe Life or Lives any ſuch Eſtate is or ſhall be holden, were actually dead.

On Affidavit, that Infant, &c. is beyond Sea, or out of this State, Claimant may ſend Perſons to view ſuch Infant, &c.

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V. *Provided always, and be it further Enacted by the Authority aforeſaid,* That if it ſhall afterwards appear, upon Proof in any Action to be brought, that ſuch Infant, married Woman, or other Perſon or Perſons, for whoſe Life or Lives any ſuch Eſtate is or ſhall be holden, were alive at the Time of ſuch Order made, that then it ſhall be lawful for ſuch Infant, married Woman, Guardian, Truſtee, or other Perſon or Perſons, having any Eſtate or Intereſt determinable upon ſuch Life or Lives, to re-enter upon the ſaid Lands, Tenements or Hereditaments, and for ſuch Infant, married Woman, or other Perſon or Perſons, having any Eſtate or Intereſt determinable upon ſuch Life or Lives, his, her or their Executors, Adminiſtrators or Aſſigns, to maintain any Action or Actions againſt thoſe who, ſince the ſaid Order, received the Profits of ſuch Lands, Tenements or Hereditaments, or their Executors or Adminiſtrators, and therein to recover full Damages for the Profits of the ſame received, from the Time that ſuch Infant, married Woman, or other Perſon or Perſons, having any Eſtate or Intereſt determinable upon ſuch Life or Lives, were ouſted of the Poſſeſſion of ſuch Lands, Tenements or Hereditaments.

Perſons evicted, may re-enter, on Proof that ſuch abſent Perſon is living,

And recover Damages.

VI. *Provided alſo, and be it further Enacted by the Authority aforeſaid,* That if any ſuch Guardian, Truſtee, Huſband, or other Perſon or Perſons, holding or having any Eſtate or Intereſt determinable upon the Life or Lives of any other Perſon or Perſons, ſhall, by Affidavit, or otherwiſe, to the Satisfaction of the ſaid Court, make appear, that he, ſhe or they hath or have uſed his, her or their utmoſt Endeavours to procure ſuch Infant, married Woman, or other Perſon or Perſons, on whoſe Life or Lives ſuch Eſtate or Intereſt doth or ſhall depend, to appear in the ſaid Court of Chancery, or elſewhere, according to the Order of the ſaid Court in that Behalf made, and that he, ſhe or they cannot procure or compel ſuch Infant, married Woman, or other Perſon or Perſons, ſo to appear, and that ſuch Infant, married Woman, or other Perſon or Perſons, on whoſe Life or Lives ſuch Eſtate or Intereſt doth or ſhall depend, is, are or were living at the Time of ſuch Return made and filed as aforeſaid; then it ſhall be lawful for ſuch Perſon or Perſons to continue in the Poſſeſſion of ſuch Eſtate, and receive the Rents and Profits thereof for and during the Infancy of ſuch Infant, and the Life or Lives of ſuch married Woman, or other Perſon or Perſons, on whoſe Life or Lives ſuch Eſtate or Intereſt doth or ſhall depend, as fully as he, ſhe or they might have done if this Act had not been made.

On Proof that ſuch Infant, &c. is living and cannot be produced, Guardian, &c. to continue in Poſſeſſion.

VII. *And be it further Enacted by the Authority aforeſaid,* That every Perſon, who, as Guardian or Truſtee for an Infant, and every Huſband ſeiſed in Right of his Wife only, and every other Perſon having an Eſtate determinable upon any Life or Lives, who, after the Determination of ſuch particular Eſtates or Intereſts, without the expreſs Conſent of him, her or them, who are or ſhall be next and immediately entitled upon and after the Determination of ſuch particular Eſtates or Intereſts, ſhall hold over and continue in Poſſeſſion of any Meſſuages, Lands, Tenements or Hereditaments, ſhall be, and are hereby adjudged to be Treſpaſſers; and that all and every Perſon and Perſons, his, her and their Executors and Adminiſtrators, who are or ſhall be entitled to ſuch Meſſuages, Lands, Tenements or Hereditaments, upon or after the Determination of ſuch particular Eſtates or Intereſts, ſhall and may recover in Damages againſt every ſuch Perſon or Perſons ſo holding over as aforeſaid, and againſt his, her or their Executors or Adminiſtrators, the full Value of the Profits received during ſuch wrongful Poſſeſſion as aforeſaid.

Guardians, &c. holding Eſtates after Determination of Life of Infant, &c. adjudged Treſpaſſers;

And Perſons entitled to recover Damages.

CHAP.

CHAP. XI.

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An ACT *for rendering the Proceedings upon Writs of Mandamus and Informations, in the Nature of* Quo Warranto, *more speedy and effectual.*

Passed 6th February, 1788.

Persons to whom any Mandamus shall issue, to make Return to the first Writ.

I. BE *it Enacted by the People of the State of* New-York, *represented in Senate and Assembly, and it is hereby Enacted by the Authority of the same,* That if any Mandamus shall issue out of the Supreme Court, directed and delivered to any Person or Persons, who, by the Laws of this State, are required to make a Return to such Writ of Mandamus, such Person or Persons shall make his or their Return to the first Writ of Mandamus.

The Prosecutor may traverse the material Facts in such Return, and the Person making such Return, may reply, &c. and such Proceedings be had therein as in Actions on the Case for a false Return.

II. *And be it further Enacted by the Authority aforesaid,* That from and after the passing of this Act, as often as any Writ of Mandamus shall issue out of the said Supreme Court, and a Return shall be made thereunto, it shall and may be lawful to and for the Person or Persons suing or prosecuting such Writ of Mandamus, to plead to or traverse all or any the material Facts contained within the said Return, to which the Person or Persons making such Return shall reply, take Issue or demur; and such further Proceedings, and in such Manner, shall be had therein for the Determination thereof, as might have been had if the Person or Persons suing such Writ, had brought his or their Action on the Case for a false Return; and if any Issue shall be joined on such Proceedings, the Person or Persons suing such Writ, shall and may try the same in such Place as an Issue joined in such Action on the Case should or might have been tried; and in Case a Verdict shall be found for the Person or Persons suing such Writ, or Judgment given for him or them upon a Demurrer, or by *Nil Dicit*, or for Want of a Replication or other Pleading, he or they shall recover his or their Damages and Costs, in such Manner as he or they might have done in such Action on the Case as aforesaid; and such Damages and Costs shall and may be levied by *Fieri Facias*, or *Capias ad Satisfaciendum*, as in other Cases, and a peremptory Mandamus shall be granted without Delay, for him or them for whom Judgment shall be given, as might have been, if such Return had been adjudged insufficient; and in Case Judgment shall be given for the Person or Persons making such Return to such Writ, he or they shall recover his or their Costs of Suit, to be levied in Manner aforesaid.

And if Judgment be given the Person suing such Writ, he shall recover Damages and Costs;

And if for the Person making such Return, he shall recover Costs.

Persons against whom Damages are recovered not liable to any other Suit.

III. *Provided always, and be it further Enacted by the Authority aforesaid,* That if any Damages shall be recovered by Virtue of this Act, against any such Person or Persons making such Return to such Writ as aforesaid, he or they shall not be liable to be sued in any other Action or Suit, for the making such Return; any Law, Usage or Custom to the Contrary thereof notwithstanding.

How Informations in the Nature of a *Quo Warranto*, to be exhibited against Persons who intrude in Offices, &c.

IV. *And be it further Enacted by the Authority aforesaid,* That in Case any Person or Persons shall usurp, intrude into, or unlawfully hold and execute any Office or Franchise within this State, it shall and may be lawful to and for the Attorney-General, with the Leave of the said Supreme Court, to exhibit one or more Information or Informations, in the Nature of a *Quo Warranto*, at the Relation of any Person or Persons desiring to sue or prosecute the same, who shall be mentioned in such Information or Informations, to be the Relator or Relators, against such Person or Persons so usurping, intruding into, or unlawfully holding and executing, any such Office or Franchise, and to proceed therein in such Manner as is usual in Cases of Informations, in the Nature of a *Quo Warranto*; and if it shall appear to the said Supreme Court, that the several Rights of divers Persons to the same Office or Franchise, may properly be determined on one Information, it shall and

Where several Persons may be included in one Information.

may

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may be lawful for the ſaid Supreme Court, to give Leave to exhibit one ſuch Information againſt ſeveral Perſons, in order to try their reſpective Rights to ſuch Office or Franchiſe; and ſuch Perſon or Perſons againſt whom ſuch Information or Informations, in the Nature of a *Quo Warranto*, ſhall be ſued or proſecuted, ſhall appear and plead as of the ſame Term in which the ſaid Information or Informations ſhall be filed, unleſs the ſaid Supreme Court ſhall give further Time to ſuch Perſon or Perſons, againſt whom ſuch Information or Informations ſhall be exhibited, to plead; and ſuch Perſon or Perſons who ſhall ſue or proſecute ſuch Information or Informations, in the Nature of a *Quo Warranto*, ſhall proceed thereupon with the moſt convenient Speed that may be; any Law or Uſage to the Contrary thereof notwithſtanding.

How they ſhall appear and plead.

V. *And be it further Enacted by the Authority aforeſaid*, That in Caſe any Perſon or Perſons againſt whom any Information or Informations, in the Nature of a *Quo Warranto*, ſhall, in any of the ſaid Caſes, be exhibited in the ſaid Supreme Court, ſhall be found or adjudged guilty of an Uſurpation or Intruſion into, or unlawfully holding and executing, any of the ſaid Offices or Franchiſes, it ſhall and may be lawful to and for the ſaid Supreme Court, as well to give Judgment of Ouſter, againſt ſuch Perſon or Perſons, of and from any of the ſaid Offices or Franchiſes, as to fine ſuch Perſon or Perſons reſpectively, for his or their uſurping, intruding into, or unlawfully holding and executing any ſuch Office or Franchiſe; and alſo to give Judgment, that the Relator or Relators, in ſuch Information named, ſhall recover his or their Coſts of ſuch Proſecution; and if Judgment ſhall be given for the Defendant or Defendants, in ſuch Information, he or they for whom ſuch Judgment ſhall be given, ſhall recover his or their Coſts therein expended, againſt ſuch Relator or Relators; ſuch Coſts to be levied in Manner aforeſaid.

Judgment of Ouſter to be given againſt Perſons found guilty of Uſurpation, &c.

And Relators to recover Coſts.

And if Judgment be given for the Defendant Relator to pay Coſts.

VI. *And be it further Enacted by the Authority aforeſaid*, That it ſhall and may be lawful to and for the ſaid Supreme Court, to allow to ſuch Perſon or Perſons reſpectively, to whom any Writ of Mandamus ſhall be directed, or againſt whom any Information, in the Nature of a *Quo Warranto*, in any of the Caſes aforeſaid, ſhall be ſued or proſecuted, or to the Perſon or Perſons who ſhall ſue or proſecute the ſame, ſuch convenient Time reſpectively to make a Return, plead, reply, rejoin or demur, as to the ſaid Supreme Court ſhall ſeem juſt and reaſonable; any Thing herein contained to the Contrary thereof in any wiſe notwithſtanding.

Court to allow convenient Time to make Return, plead, reply, rejoin or demur.

CHAP. XII.

An ACT *concerning Idiots, Lunaticks, and Infant Truſtees.*

Paſſed 6th February, 1788.

I. BE *it Enacted by the People of the State of* New-York, *repreſented in Senate and Aſſembly, and it is hereby Enacted by the Authority of the ſame*, That the Chancellor for the Time being, ſhall have the Care, and provide for the ſafe keeping of all Idiots, and of their Lands and Tenements, Goods and Chattels; and that they may live and be competently maintained by and out of their Goods and Chattels, and the Profits of their Lands and Tenements reſpectively; and that no Waſte or Deſtruction of their Lands or Tenements be done or permitted. And ſuch Lands and Tenements ſhall in no wiſe be aliened, but ſhall, upon the Death of ſuch Idiot, deſcend and go to his Heirs, and the Reſidue of the ſaid Goods, Chattels and Profits, if there by any, ſhall go to and be diſtributed according to Law, among the next of Kin of ſuch Idiot.

The Chancellor to have the Care of Idiots and their Eſtates.

II. *And*

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II. *And be it further Enacted by the Authority aforesaid*, That the Chancellor for the Time being, shall have the Care, and provide for the safe keeping of all Lunatics and of their Lands and Tenements, and Goods and Chattels; and that they and their Houshold, if they have any, may live and be competently maintained by and out of their Goods and Chattels, and the Profits of their Lands and Tenements respectively. And that no Waste or Destruction of their Lands or Tenements be done or permitted. And such Lands and Tenements shall in no wise be aliened, but shall, together with the Residue of the Goods, Chattels and Profits, if there be any, be restored to such Lunatic, if he comes to his right Mind; and if he dies in his Lunacy, his Lands and Tenements shall descend and go to his Heirs, and the Residue of the said Goods, Chattels and Profits, shall go to, and be distributed according to Law, among the next of Kin of such Lunatic.

The Chancellor to have the Care of Lunatics and their Estates.

To be restored to them on Recovery from Lunacy.

III. AND *whereas* many Inconveniences do and may arise, by Reason that Persons under the Age of Twenty-one Years, having Estates in Lands, Tenements or Hereditaments, only in Trust for others, or by Way of Mortgage, cannot (though by the Direction of the *Cestui que Trust*, or Mortgagor) convey any sure Estate in any such Lands, Tenements or Hereditaments to any other Person or Persons; For Remedy whereof, *Be it further Enacted by the Authority aforesaid*, That it shall and may be lawful to and for any such Person, under the Age of Twenty-one Years, by the Direction of the Court of Chancery, signified by an Order made upon hearing all Parties concerned, on the Petition of the Person or Persons for whom such Infant or Infants shall be seised or possessed in Trust, or of the Mortgagor or Mortgagors, or Guardian or Guardians of such Infant or Infants, or Person or Persons entitled to the Monies secured by or upon any Lands, Tenements or Hereditaments, whereof any Infant or Infants are or shall be seised or possessed by Way of Mortgage, or of the Person or Persons entitled to the Redemption thereof, to convey and assure any such Lands, Tenements or Hereditaments, in such Manner as the said Court of Chancery shall, by such Order so to be obtained, direct, to any other Person or Persons; and such Conveyance or Assurance so to be had and made as aforesaid, shall be as good and effectual in Law, to all Intents and Purposes whatsoever, as if the said Infant or Infants were, at the Time of making such Conveyance or Assurance, of the full Age of Twenty-one Years; any Law, Usage or Custom to the Contrary notwithstanding.

Infant Trustees, &c. may, by the Direction of the Court of Chancery, convey Lands, &c.

Such Conveyances to be effectual in Law.

IV. *And be it further Enacted by the Authority aforesaid*, That all and every such Infant and Infants, being only Trustee or Trustees, Mortgagee or Mortgagees as aforesaid, shall and may be compelled, by such Order, so as aforesaid to be obtained, to make such Conveyance or Conveyances, Assurance or Assurances as aforesaid, in like Manner as Trustees or Mortgagees of full Age, are compellable to convey or assign their Trust-Estates or Mortgages.

Infants may be compelled to make such Conveyances.

CHAP. XIII.

An ACT *concerning Apprentices and Servants.*

Passed 6th February, 1788.

I. BE *it Enacted by the People of the State of* New-York, *represented in Senate and Assembly, and it is hereby Enacted by the Authority of the same*, That no Master or Mistress, or other Person or Persons, shall, after the passing of this Act, compel or cause any Apprentice or Journeyman, by Oath or Bond heretofore made, or hereafter to be made, or otherwise, that he or she, after his or her Apprenticeship or Term expired, shall not set up, keep or occupy

Penalty on Masters for compelling Apprentices to give Bond not to exercise their Trades, &c.

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occupy any Shop, Houſe or Cellar, and therein uſe or exerciſe ſuch his or her ſaid Art, Craft, Myſtery, Profeſſion, Trade, Employment, or manual Occupation, nor by any Means exact or take of any ſuch Apprentice, or any Journeyman, nor any other, ſetting up, occupying, uſing or exerciſing, for him or themſelves, nor of any other Perſons for them, after his or their ſaid Years or Term expired, any Sum of Money, or other Thing whatſoever, for uſing or exerciſing the ſame, upon Pain to forfeit, for every Time that they or any of them ſhall offend contrary to this Act, the Sum of *Forty Pounds*; the one Half thereof to the People of this State, and the other Half to ſuch Perſon or Perſons as will ſue for the ſame; to be recovered, with Coſts of Suit, by Action of Debt, Bill, Plaint or Information, in any Court of Record having Cognizance thereof: And that all and every Bond, or other Security given or entered into, contrary to the true Intent and Meaning of this Act, ſhall be void.

To be recovered with Coſts,

And ſuch Bond, &c. to be void.

II. AND *whereas* Doubts have ariſen, whether any Perſon within the Age of Twenty-one Years, and bounden to ſerve as a Clerk, Apprentice or Servant, ſhall be holden, accepted and taken as a Clerk, Apprentice or Servant; For removing ſuch Doubts, *Be it further Enacted by the Authority aforeſaid*, That all and every ſuch Perſon or Perſons, that at any Time or Times hereafter, ſhall be bounden by Indenture, of his or her own free Will and Accord, and by and with the Conſent of his or her Father, or in Caſe of the Death of his or her Father, by and with the Conſent of his or her Mother or Guardian, to be expreſſed in ſuch Indenture, and ſignified by ſuch Parent or Guardian ſealing and ſigning the ſame Indenture, and not otherwiſe, or by the Juſtices and Overſeers of the Poor, as is herein after directed and preſcribed, to ſerve as a Clerk, Apprentice or Servant, in any Art, Craft, Myſtery, Science, Profeſſion, Trade, Employment, manual Occupation or Labour, in Manner and Form aforeſaid, until he or ſhe ſhall be of the Age of Twenty-one Years, or for any ſhorter Time, although the ſame Clerk, Apprentice or Servant ſhall be within the Age of Twenty-one Years, at the Time of the making of his or her Indenture, ſhall be bounden to ſerve for the Years or Term in his or her Indentures contained, as amply and largely, to every Intent, as if the ſame Clerk, Apprentice or Servant was of full Age at the Time of making ſuch Indenture; any Law, Uſage or Cuſtom to the Contrary nothwithſtanding. *Provided always*, That any Child of any Indian Woman, ſhall not be ſo bound or indented as aforeſaid, except in the Preſence and with the Conſent of a Juſtice of the Peace; a Certificate of ſuch Conſent being alſo ſigned by the Juſtice, and filed with the Clerk of the Town or Place in which ſuch Indenture ſhall be executed.

Apprentices may be bound to ſerve until the Age of 21 Years.

But no Indian Child without Conſent of a Juſtice.

III. *And be it further Enacted by the Authority aforeſaid*, That it ſhall and may be lawful for the Overſeers of the Poor of any City or Town within this State, by and with the Conſent of the Juſtices of the Peace of the ſame County, or any two of them, reſiding in or near ſuch Town, or in the Cities of *New-York*, *Albany* and *Hudſon*, by and with the Conſent of the Mayor, Recorder and Aldermen, or any two of them, to bind out any Child who is or ſhall be chargeable, or whoſe Parents are or ſhall become chargeable to the City or Town wherein they reſpectively inhabit, or who ſhall beg for Alms, to be Apprentices or Servants, according to their Degree and Ability, where they ſhall ſee convenient, till ſuch Child or Children, if male, ſhall reſpectively arrive or come to the Age of Twenty-one Years, and if female, to the Age of Eighteen Years; and that the Indentures or Articles of Agreement for binding any ſuch Infant, ſhall be as effectual, to all Intents and Purpoſes, as if ſuch Infant were of full Age, and by Indenture of Covenant bound him or herſelf.

Overſeers of the Poor, with Conſent of Juſtices, may bind poor Children Apprentices.

Males until 21.

Females until 18.

IV. *And*

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Apprentices or Servants refuſing to do their Duty, may be committed to the Houſe of Correction.

IV. *And be it further Enacted by the Authority aforeſaid*, That if any Perſon who ſhall bind him or herſelf by and with the Conſent of his or her Parent, or other Guardian as aforeſaid, or who ſhall be bound by the Overſeers of the Poor and Juſtices, or Mayor, or Recorder and Aldermen, or any two of them as aforeſaid, to ſerve as an Apprentice or Servant in the Manner in this Act above directed and preſcribed, ſhall refuſe ſo to do, that then, upon Complaint of the Maſter or Miſtreſs, to whom ſuch Apprentice or Servant is or ſhall be bound as aforeſaid, to one Juſtice of the Peace of the County wherein the ſaid Refuſal is or ſhall be made, or to the Mayor or Recorder, or any one of the Aldermen of any City, if any ſuch Refuſal ſhall be there, they, and each of them ſhall have full Power and Authority by this Act, by Warrant under Hand and Seal, or otherwiſe, to ſend for the ſame Perſon ſo refuſing, and the ſaid Juſtice, or the ſaid Mayor or Recorder, or Alderman reſpectively, ſhall have Power and Authority by Virtue of this Act, if the ſaid Perſon refuſe to ſerve as an Apprentice or Servant, to commit him or her unto Ward in the Bridewell, or Houſe of Correction, if any there be, or if there be no Bridewell, or Houſe of Correction, in the Gaol of the City or County wherein ſuch Refuſal ſhall take Place, there to remain until he or ſhe be contented, and will ſerve as an Apprentice or Servant ſhould ſerve, according to the true Intent and Meaning of this Act. And to the End that the Time of the Continuance of the Service of ſuch Apprentice or Servant may the more plainly and certainly appear, the Age of every ſuch Infant ſo to be bound Apprentice or Servant, ſhall be mentioned and inſerted in his or her Indentures. And where the Binding is by the Overſeers of the Poor, by and with the Conſent of two Juſtices of the Peace, or Mayor, Recorder and Aldermen as aforeſaid, the ſame Juſtices of the Peace, or Mayors, Recorders and Aldermen ſhall, as fully as they can, inform themſelves of ſuch Infant's Age, and from ſuch Information ſhall inſert the ſame in the ſaid Indentures; and the Age of ſuch Infant ſo inſerted and mentioned in the ſaid Indentures (in Relation to the Continuance of his or her Service) ſhall be taken to be his or her true Age, without any further Proof thereof.

Age of an Apprentice or Servant, to be mentioned in the Indentures.

V. *And be it further Enacted by the Authority aforeſaid*, That all and every Sum and Sums of Money which ſhall be given, paid, contracted or agreed for, with, or in Relation to every Clerk or Apprentice, which ſhall, after the paſſing of this Act, be put or placed to or with any Maſter or Miſtreſs, to learn any Art, Craft, Myſtery, Science, Profeſſion, Trade, Employment, or manual Occupation, ſhall be inſerted in the Indentures ſo to be executed by ſuch Clerk or Apprentice as aforeſaid.

The Money paid with any Clerk or Apprentice to be mentioned in the Indentures.

VI. *And be it further Enacted by the Authority aforeſaid*, That all Indentures, Covenants, Promiſes and Bargains of or for the having, taking or keeping of any Clerk or Apprentice, hereafter to be made or taken, otherwiſe than is by this Act limited, ordained and appointed, ſhall be clearly void in Law, to all Intents and Purpoſes, as againſt ſuch Clerk or Apprentice only.

Indentures contrary to this Act, to be void.

VII. *And be it further Enacted by the Authority aforeſaid*, That no Deed, Contract, Agreement or Writing whatſoever, made or to be made for binding any Perſon as a Clerk, Apprentice or Servant, as aforeſaid, after the paſſing of this Act, ſhall be deemed or adjudged to be void, and of no Effect, by Reaſon, or on Account of ſuch Deed, Contract, Agreement or Writing, not being indented only.

No Contract for binding any Perſon to be void for not being indented only.

VIII. AND *whereas* the Emigration of poor Perſons from *Europe*, hath conduced greatly to the Settlement of this State, while a Colony: *And whereas* Doubts have ariſen tending to the Diſcouragement of further Importations of

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of ſuch poor Perſons; Therefore, *Be it further Enacted by the Authority aforeſaid*, That every Contract already made, or hereafter to be made, by any Infant, or other Perſon coming from beyond Sea, executed in the Preſence of two Witneſſes, and acknowledged by the Servant before any Mayor, Recorder, Alderman or Juſtice of the Peace, ſhall bind the Party entering into the ſame for ſuch Term, and for ſuch Services, as ſhall be therein ſpecified: And that every Aſſignment of the ſame executed before two credible ſubſcribing Witneſſes, ſhall be effectual to transfer the ſame Contract for the Reſidue of the Term therein mentioned: But that no Contract ſhall bind any Infant longer than until his or her Arrival to the full Age of Twenty-one Years; excepting ſuch as are or ſhall be bound in order to raiſe Money for the Payment of their Paſſages, who may be bound until the Age of Twenty-four Years, provided the Term of ſuch Service ſhall not exceed four Years in the whole.

Contracts by Perſons coming from beyond Sea, to be acknowledged by the Servant.

Aſſignments thereof good.

Infant to be bound no longer than till 21, except Perſons for their Paſſages, who may be bound till 24.

IX. *And be it further Enacted by the Authority aforeſaid*, That if any Maſter or Miſtreſs ſhall be guilty of any Miſuſage, Refuſal of neceſſary Proviſions or Clothing, Cruelty, or other ill Treatment, ſo that his or her ſaid Clerk, Apprentice or Servant, ſhall have any juſt Cauſe to complain, or the ſaid Clerk, Apprentice or Servant be guilty of any Miſdemeanor, Miſcarriage, or ill Behaviour, or do not his or her Duty to his or her Maſter or Miſtreſs; then the ſaid Maſter or Miſtreſs, or the ſaid Clerk, Apprentice or Servant, being aggrieved, and having juſt Cauſe of Complaint, ſhall repair unto one Juſtice of the Peace within the County, or to the Mayor or Recorder, or any one of the Aldermen of the City, where the ſaid Maſter or Miſtreſs dwelleth, who ſhall, by his Wiſdom and Diſcretion, take ſuch Order and Direction between the ſaid Maſter or Miſtreſs and his or her Clerk, Apprentice or Servant, as the Equity of the Cauſe ſhall require; and if for Want of a good Conformity in the ſaid Maſter or Miſtreſs, or Clerk, Apprentice or Servant, the ſaid Juſtice of the Peace, or Mayor, Recorder or Alderman, cannot compound or agree the Matter between ſuch Maſter or Miſtreſs and his or her Clerk, Apprentice or Servant, then the ſaid Juſtice, or the ſaid Mayor or Recorder, or Alderman, ſhall take a Recognizance of the ſaid Maſter or Miſtreſs, in ſuch Sum as he ſhall think proper, to appear at the next General Seſſions of the Peace, then to be holden in the ſaid County or City, where the ſaid Maſter or Miſtreſs doth reſide, and upon his or her Appearance and hearing of the Matter before the Juſtices at the ſaid General Seſſions of the Peace, if it be thought meet unto them to diſcharge the ſaid Clerk, Apprentice or Servant, of his or her Clerkſhip, Apprenticeſhip or Service; that then the ſaid Juſtices, or three of them at the leaſt, ſhall have Power by Virtue of this Act, by Rule or Order of the ſaid Court, to diſcharge the ſaid Clerk, Apprentice or Servant, of his or her Clerkſhip, Apprenticeſhip or Service, and to order all ſuch Part of ſuch Sum and Sums of Money, as ſhall bave been given, paid, contracted or agreed for, with or in Relation to every ſuch Clerk, Apprentice or Servant, as they ſhall judge meet and proper, to be refunded and paid back to the Perſon or Perſons who paid the ſame, his or her Executors or Adminiſtrators; and that ſuch Order ſo entered in the Minutes of the ſaid Court, ſhall be a ſufficient Diſcharge for the ſaid Clerk, Apprentice or Servant, againſt his or her Maſter or Miſtreſs, and his or her Executors and Adminiſtrators; the ſaid Indenture, or any Law or Cuſtom to the Contrary notwithſtanding. And if the Default ſhall be found to be in the Clerk, Apprentice or Servant, then the ſaid Juſtices ſhall cauſe ſuch due Correction and Puniſhment to be adminiſtered unto him or her, as by their Wiſdom and Diſcretion ſhall be thought meet.

How Apprentices, &c. and Maſters, may be relieved in Caſes of Complaint againſt each other.

X. And *whereas* in ſome Caſes, as well by Reaſon of the Diſtance of the Place of Reſidence of the ſaid Maſters or Miſtreſſes, from the Places where the

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the reſpective Courts of General Seſſions of the Peace are holden, as for other Cauſes, it is very inconvenient that the final Deciſion of Differences between Maſters or Miſtreſſes, and their Apprentices or Servants, ſhould be deferred till the Sitting of the next General Seſſions of the Peace for the City or County wherein ſuch Maſter or Miſtreſs reſide: For Remedy whereof, *Be it further Enacted by the Authority aforeſaid*, That it ſhall and may be lawful to and for any three or more Juſtices in any County, or for the Mayor, Recorder and Aldermen, or any three or more of them, upon any Complaint or Application by any Apprentice or Servant, upon whoſe binding out no Sum of Money was paid, touching or concerning any Miſuſage, Refuſal of neceſſary Proviſion or Clothing, Cruelty, or other ill Treatment, of or towards ſuch Apprentice or Servant, by his or her Maſter or Miſtreſs, by Precept under their Hands and Seals, to ſummon ſuch Maſter or Miſtreſs to appear before ſuch Juſtices, or ſuch Mayor, Recorder and Aldermen, or any two or more of them, at a reaſonable Time and Place to be named in ſuch Summons; and ſuch Juſtices, Mayor, Recorder and Aldermen, ſhall and may examine into the Matter of ſuch Complaint; and upon Proof thereof made upon Oath to their Satisfaction (whether the Maſter or Miſtreſs be preſent or not, if Service of the Summons be alſo upon Oath proved) the ſaid Juſtices or Mayor, Recorder and Aldermen, may diſcharge ſuch Apprentice or Servant, by Warrant or Certificate under their Hands and Seals; for which Warrant or Certificate no Fee ſhall be paid.

Three Juſtices may diſcharge Apprentice or Servant upon whoſe Binding no Money was paid.

XI. *And be it further Enacted by the Authority aforeſaid*, That it ſhall and may be lawful to and for ſuch Juſtices, or Mayor, Recorder and Aldermen, or any two or more of them, upon Application or Complaint made upon Oath, by any Maſter or Miſtreſs, againſt any ſuch Apprentice or Servant, touching or concerning any Miſdemeanor, Miſcarriage, or ill Behaviour in ſuch his or her Service, to hear, examine and determine the ſame, and to puniſh the Offender, by Commitment to the Houſe of Correction (if any there be) or to the common Gaol of the County or City, there to remain, and be corrected and held to hard Labour for a reaſonable Time, not exceeding one Kalendar Month, or otherwiſe by diſcharging ſuch Apprentice or Servant in Manner and Form before mentioned.

Two Juſtices may cauſe Apprentices or Servants to be puniſhed for ill Behaviour.

XII. And *whereas* many Perſons are taken as Apprentices or Servants when they are very young, and for ſeveral Years of their Apprenticeſhips or Service, are rather a Burthen than otherwiſe to their Maſters or Miſtreſſes: *And whereas* it frequently happens, that ſuch Apprentices or Servants, when they might be expected to be uſeful to their Maſters or Miſtreſſes, abſent themſelves from their Service: *And whereas* the Laws in being are not ſufficient to prevent theſe Inconveniences; For Remedy whereof, *Be it further Enacted by the Authority aforeſaid*, That from and after the paſſing of this Act, if any Apprentice or Servant ſhall abſent him or herſelf from his or her Maſter's or Miſtreſs's Service, before the Term of his or her Apprenticeſhip or Service ſhall be expired, every ſuch Apprentice or Servant ſhall, at any Time or Times thereafter, whenever he or ſhe ſhall be found, be compelled to ſerve his or her ſaid Maſter or Miſtreſs, for double the Time he or ſhe ſhall have ſo abſented him or herſelf from ſuch Service, unleſs he or ſhe ſhall make Satisfaction to his or her Maſter or Miſtreſs, for the Loſs he or ſhe ſhall have ſuſtained by ſuch Abſence from his or her Service; and ſo from Time to Time, as often as any ſuch Apprentice or Servant ſhall, without Leave of his or her Maſter or Miſtreſs, abſent himſelf or herſelf from his or her Service, before the Term of his or her Contract ſhall be fulfilled. *Provided always, and be it further Enacted by the Authority aforeſaid*, That nothing in this Clauſe of this Act ſhall extend to any Apprentice, whoſe Maſter or Miſtreſs ſhall have received, with ſuch Apprentice, any Sum or Sums of Money

Apprentices or Servants abſenting themſelves to ſerve double the Time of ſuch Abſence, or make Satisfaction.

But not to extend to any Apprentice upon whoſe Binding any Money was paid.

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Money to learn ſuch Art, Craft, Myſtery, Profeſſion, Trade or Employment: *And alſo*, That no Apprentice or Servant ſhall be compelled to ſerve for any Time or Term, or to make any Satisfaction to any Maſter or Miſtreſs, after the Expiration of *three* Years next after the End of the Term for which ſuch Apprentice or Servant ſhall have contracted to ſerve; any Thing herein contained to the Contrary notwithſtanding.

Appeals allowed to the Seſſions.

XIII. *Provided alſo, and be it further Enacted by the Authority aforeſaid*, That if any Perſon or Perſons ſhall think himſelf, herſelf or themſelves aggrieved by ſuch Determination, Order or Warrant of ſuch Juſtice or Juſtices, Mayor or Recorder, and Aldermen as aforeſaid (except an Order of Commitment) he, ſhe or they may appeal to the next General Seſſions of the Peace, to be holden in and for the County, City or Place where ſuch Determination or Order ſhall be made; ſuch Perſon or Perſons giving *ſix* Days Notice of his, her or their Intention of bringing ſuch Appeal, and of the Cauſe and Matter thereof, to ſuch Juſtice or Juſtices of the Peace, Mayor, Recorder or Aldermen, and the Parties concerned, and entering into a Recognizance, within *three* Days after ſuch Notice, before ſome Juſtice of the Peace, or the Mayor, or Recorder, or one of the Aldermen for ſuch County, City or Place, with ſufficient Surety, conditioned to try ſuch Appeal at, and abide the Order or Judgment of, and pay ſuch Coſts as ſhall be awarded by the Juſtices at ſuch General Seſſions; which ſaid Juſtices at their ſaid Seſſion, upon due Proof upon Oath, of ſuch Notice being given, and of entering into ſuch Recognizances as aforeſaid, ſhall, and are hereby empowered and directed to proceed in, and hear and finally determine the Cauſes and Matters of all ſuch Appeals, and to give and award ſuch Coſts to any of the reſpective Parties, Appellant or Reſpondent, as they, in their Diſcretion, ſhall judge proper and reaſonable, not exceeding *Four Pounds*; the ſame to be levied by Diſtreſs and Sale of the Goods and Chattels of ſuch Perſon or Perſons againſt whom ſuch Determinations ſhall be made, and that their Judgments and Orders therein ſhall be final and concluſive to all Parties concerned.

No Certiorari to iſſue until after final Determination in the Seſſions.

XIV. *Provided alſo, and be it further Enacted by the Authority aforeſaid*, That no Writ of Certiorari, or other Proceſs, ſhall iſſue, or be iſſuable to remove into the Supreme Court, any Proceedings whatſoever, had in Purſuance of this Act, before any Juſtice or Juſtices of the Peace, Mayor or Recorder, or Alderman, or any of them, or before any Court of General Seſſions of the Peace, until after Determination and final Judgment therein had, by or in ſuch Court of General Seſſions of the Peace.

CHAP. XIV.

An ACT *for aſcertaining the Meaſure of Land.*

Paſſed 7th February, 1788.

Meaſure of Land aſcertained.

BE *it Enacted by the People of the State of* New-York, *repreſented in Senate and Aſſembly, and it is hereby Enacted by the Authority of the ſame*, That an Acre of Land ſhall contain *One Hundred and Sixty Square Perches or Rods*; each Perch or Rod being in Length, *five Yards and one Half of one Yard*; and each Yard *three Feet*; and each Foot *twelve Inches*; ſo that when an Acre of Land ſhall be ſixteen Rods in Length, it ſhall be ten Rods in Breadth.

CHAP.

CHAP. XV.

A. D. 1788.
Inde. *U. S.* XII.

An ACT *for the Relief of Cities and Towns, from ſuch Charges as may ariſe from Baſtard Children born within the ſame.*

Paſſed 7th February, 1788.

Preamble.

WHEREAS Baſtards, or Children begotten and born out of lawful Matrimony, are often left to be kept and provided for at the Charge of the reſpective Cities or Towns in which the ſame are ſo born, to the great Burden of the ſame Cities or Towns; For Remedy whereof,

How Juſtices are to take Order for the Relief of Places where Baſtard Children are born, and for keeping ſuch Children.

I. *Be it Enacted by the People of the State of* New-York, *repreſented in Senate and Aſſembly, and it is hereby Enacted by the Authority of the ſame,* That any two Juſtices of the Peace of any City, or of any County, one whereof reſiding in or near the Town within which ſuch Baſtard ſhall be born, upon Examination of the Cauſe and Circumſtance, ſhall and may, by their Diſcretion, take Order for the better Relief of every ſuch City or Town, in Part or in all, and ſhall and may likewiſe, by like Diſcretion, take Order for the keeping of every ſuch Baſtard Child, by charging ſuch Mother or reputed Father with the Payment of Money weekly, or other Suſtentation for the Relief of ſuch Child, in ſuch wiſe as they ſhall think meet and convenient; and if after the ſame Order by them ſubſcribed under their Hands, the Mother or reputed Father, upon Notice thereof, ſhall not for his or her Part obſerve and perform the ſaid Order, that then every ſuch Party ſo making Default in not performing the ſaid Order, ſhall be committed to the Houſe of Correction, or (for Want thereof) to the common Gaol of ſuch City or County, there to remain without Bail or Mainpriſe, except he or ſhe ſhall put in ſufficient Surety to perform the ſaid Order, or elſe perſonally to appear at the next General Seſſions of the Peace, to be holden in and for the City or County where ſuch Order ſhall be taken; and alſo to abide ſuch Order as the ſaid Juſtices of the Peace, or the major Part of them, in their ſaid Seſſions ſhall take in that Behalf (if they then and there ſhall take any); and that if at the ſaid Seſſions the ſaid Juſtices ſhall take no other Order, then to abide and perform the Order before made as aforeſaid.

When the Juſtices may cauſe the reputed Father of a Baſtard Child to be apprehended,

Such Father to be committed, unleſs he gives Security to indemnify the Place, or to appear at the next Seſſions.

II. *And be it further Enacted by the Authority aforeſaid,* That if any Woman ſhall be delivered of a Baſtard Child, which ſhall be chargeable, or likely to become chargeable to any City or Town, or ſhall declare herſelf to be with Child, and that ſuch Child is likely to be born a Baſtard, and to be chargeable to any City or Town, and ſhall, in either of ſuch Caſes, in an Examination to be taken in Writing, upon Oath, before any one or more Juſtice or Juſtices of the Peace of any City, or of any County wherein ſuch Town ſhall lie, charge any Perſon with having gotten her with Child, it ſhall and may be lawful to and for ſuch Juſtice or Juſtices, upon Application made to him or them, by the Overſeers of the Poor of ſuch City or Town, or Perſons acting as ſuch, or by any one of them, to iſſue out his or their Warrant or Warrants, for the immediate apprehending ſuch Perſon ſo charged as aforeſaid, and for bringing him before ſuch Juſtice or Juſtices, or before any other of the Juſtices of the Peace of ſuch City or County; and the Juſtice or Juſtices before whom ſuch Perſon ſhall be brought, is and are hereby authoriſed and required to commit the Perſon ſo charged as aforeſaid, to the Houſe of Correction, or common Gaol of ſuch City or County, unleſs he ſhall give Security to indemnify ſuch City or Town, or ſhall enter into a Recognizance with ſufficient Surety, with Condition to appear at the next General Seſſions of the Peace to be holden for ſuch City or County, and to abide or perform ſuch Order or Orders as ſhall be made in Purſuance of this Act.

III. *Provided*

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Money to learn ſuch Art, Craft, Myſtery, Profeſſion, Trade or Employment: *And alſo*, That no Apprentice or Servant ſhall be compelled to ſerve for any Time or Term, or to make any Satisfaction to any Maſter or Miſtreſs, after the Expiration of *three* Years next after the End of the Term for which ſuch Apprentice or Servant ſhall have contracted to ſerve; any Thing herein contained to the Contrary notwithſtanding.

Appeals allowed to the Seſſions.

XIII. *Provided alſo, and be it further Enacted by the Authority aforeſaid*, That if any Perſon or Perſons ſhall think himſelf, herſelf or themſelves aggrieved by ſuch Determination, Order or Warrant of ſuch Juſtice or Juſtices, Mayor or Recorder, and Aldermen as aforeſaid (except an Order of Commitment) he, ſhe or they may appeal to the next General Seſſions of the Peace, to be holden in and for the County, City or Place where ſuch Determination or Order ſhall be made; ſuch Perſon or Perſons giving *ſix* Days Notice of his, her or their Intention of bringing ſuch Appeal, and of the Cauſe and Matter thereof, to ſuch Juſtice or Juſtices of the Peace, Mayor, Recorder or Aldermen, and the Parties concerned, and entering into a Recognizance, within *three* Days after ſuch Notice, before ſome Juſtice of the Peace, or the Mayor, or Recorder, or one of the Aldermen for ſuch County, City or Place, with ſufficient Surety, conditioned to try ſuch Appeal at, and abide the Order or Judgment of, and pay ſuch Coſts as ſhall be awarded by the Juſtices at ſuch General Seſſions; which ſaid Juſtices at their ſaid Seſſion, upon due Proof upon Oath, of ſuch Notice being given, and of entering into ſuch Recognizances as aforeſaid, ſhall, and are hereby empowered and directed to proceed in, and hear and finally determine the Cauſes and Matters of all ſuch Appeals, and to give and award ſuch Coſts to any of the reſpective Parties, Appellant or Reſpondent, as they, in their Diſcretion, ſhall judge proper and reaſonable, not exceeding *Four Pounds*; the ſame to be levied by Diſtreſs and Sale of the Goods and Chattels of ſuch Perſon or Perſons againſt whom ſuch Determinations ſhall be made, and that their Judgments and Orders therein ſhall be final and concluſive to all Parties concerned.

No Certiorari to iſſue until after final Determination in the Seſſions.

XIV. *Provided alſo, and be it further Enacted by the Authority aforeſaid*, That no Writ of Certiorari, or other Proceſs, ſhall iſſue, or be iſſuable to remove into the Supreme Court, any Proceedings whatſoever, had in Purſuance of this Act, before any Juſtice or Juſtices of the Peace, Mayor or Recorder, or Alderman, or any of them, or before any Court of General Seſſions of the Peace, until after Determination and final Judgment therein had, by or in ſuch Court of General Seſſions of the Peace.

CHAP. XIV.

An ACT *for aſcertaining the Meaſure of Land.*

Paſſed 7th February, 1788.

Meaſure of Land aſcertained.

BE *it Enacted by the People of the State of* New-York, *repreſented in Senate and Aſſembly, and it is hereby Enacted by the Authority of the ſame*, That an Acre of Land ſhall contain *One Hundred and Sixty Square Perches or Rods*; each Perch or Rod being in Length, *five Yards and one Half of one Yard*; and each Yard *three Feet*; and each Foot *twelve Inches*; ſo that when an Acre of Land ſhall be ſixteen Rods in Length, it ſhall be ten Rods in Breadth.

CHAP.

CHAP. XV.

A. D. 1788.
Inde. *U. S.* XII.

An ACT *for the Relief of Cities and Towns, from such Charges as may arise from Bastard Children born within the same.*

Passed 7th February, 1788.

Preamble.

WHEREAS Bastards, or Children begotten and born out of lawful Matrimony, are often left to be kept and provided for at the Charge of the respective Cities or Towns in which the same are so born, to the great Burden of the same Cities or Towns; For Remedy whereof,

How Justices are to take Order for the Relief of Places where Bastard Children are born, and for keeping such Children.

I. *Be it Enacted by the People of the State of* New-York, *represented in Senate and Assembly, and it is hereby Enacted by the Authority of the same,* That any two Justices of the Peace of any City, or of any County, one whereof residing in or near the Town within which such Bastard shall be born, upon Examination of the Cause and Circumstance, shall and may, by their Discretion, take Order for the better Relief of every such City or Town, in Part or in all, and shall and may likewise, by like Discretion, take Order for the keeping of every such Bastard Child, by charging such Mother or reputed Father with the Payment of Money weekly, or other Sustentation for the Relief of such Child, in such wise as they shall think meet and convenient; and if after the same Order by them subscribed under their Hands, the Mother or reputed Father, upon Notice thereof, shall not for his or her Part observe and perform the said Order, that then every such Party so making Default in not performing the said Order, shall be committed to the House of Correction, or (for Want thereof) to the common Gaol of such City or County, there to remain without Bail or Mainprise, except he or she shall put in sufficient Surety to perform the said Order, or else personally to appear at the next General Sessions of the Peace, to be holden in and for the City or County where such Order shall be taken; and also to abide such Order as the said Justices of the Peace, or the major Part of them, in their said Sessions shall take in that Behalf (if they then and there shall take any); and that if at the said Sessions the said Justices shall take no other Order, then to abide and perform the Order before made as aforesaid.

When the Justices may cause the reputed Father of a Bastard Child to be apprehended,

Such Father to be committed, unless he gives Security to indemnify the Place, or to appear at the next Sessions.

II. *And be it further Enacted by the Authority aforesaid,* That if any Woman shall be delivered of a Bastard Child, which shall be chargeable, or likely to become chargeable to any City or Town, or shall declare herself to be with Child, and that such Child is likely to be born a Bastard, and to be chargeable to any City or Town, and shall, in either of such Cases, in an Examination to be taken in Writing, upon Oath, before any one or more Justice or Justices of the Peace of any City, or of any County wherein such Town shall lie, charge any Person with having gotten her with Child, it shall and may be lawful to and for such Justice or Justices, upon Application made to him or them, by the Overseers of the Poor of such City or Town, or Persons acting as such, or by any one of them, to issue out his or their Warrant or Warrants, for the immediate apprehending such Person so charged as aforesaid, and for bringing him before such Justice or Justices, or before any other of the Justices of the Peace of such City or County; and the Justice or Justices before whom such Person shall be brought, is and are hereby authorised and required to commit the Person so charged as aforesaid, to the House of Correction, or common Gaol of such City or County, unless he shall give Security to indemnify such City or Town, or shall enter into a Recognizance with sufficient Surety, with Condition to appear at the next General Sessions of the Peace to be holden for such City or County, and to abide or perform such Order or Orders as shall be made in Pursuance of this Act.

III. *Provided*

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In what Caſes a Father ſhall be diſcharged from his Recognizance, or releaſed.

III. *Provided nevertheleſs, and be it further Enacted by the Authority aforeſaid,* That if the Woman ſo charging any Perſon as aforeſaid, ſhall happen to die, or be married before ſhe ſhall be delivered, or if ſhe ſhall miſcarry of ſuch Child, or ſhall appear not to have been with Child at the Time of her Examination, then, and in any of the ſaid Caſes, ſuch Perſon ſhall, at the next General Seſſions of the Peace to be holden for ſuch City or County, be diſcharged from his Recognizance, or immediately releaſed out of Cuſtody, by Warrant under the Hand and Seal, or Hands and Seals of any one or more Juſtice or Juſtices of the Peace of ſuch City, or of any one or more Juſtice or Juſtices of ſuch County, reſiding in or near ſuch Town.

Mode of diſcharging from Confinement, if no Order be made.

IV. *Provided alſo, and be it further Enacted by the Authority aforeſaid,* That upon Application made by any Perſon who ſhall be committed to any Houſe of Correction or Gaol, by Virtue of this Act, or by any Perſon in his Behalf, to any one or more Juſtice or Juſtices of ſuch City, or to any one or more Juſtice or Juſtices of ſuch County, reſiding in or near ſuch Town, ſuch Juſtice or Juſtices is and are hereby authoriſed and required to ſummon the Overſeer or Overſeers of the Poor of the City or Town, to appear before him or them at a Time and Place to be mentioned in ſuch Summons, to ſhew Cauſe why ſuch Perſon ſhould not be diſcharged; and if no Order ſhall appear to have been made in Purſuance of this Act, within *ſix* Weeks after ſuch Woman ſhall have been delivered, ſuch Juſtice or Juſtices ſhall and may diſcharge him from his Impriſonment in ſuch Houſe of Correction or Gaol to which he ſhall have been committed.

Juſtices not to examine Women touching Baſtardy, until *one* Month after Delivery.

V. *Provided always, and be it further Enacted by the Authority aforeſaid,* That it ſhall not be lawful for any Juſtice or Juſtices of the Peace, to ſend for any Woman whatſoever, in order to her being examined concerning her Pregnancy, or ſuppoſed Pregnancy, until one Month after ſhe ſhall be delivered, or to compel any Woman, before ſhe ſhall be delivered, to anſwer to any Queſtion relating to her Pregnancy.

Juſtices may cauſe the Eſtates of Fathers and Mother of Baſtard Children, to be ſeized for their Support.

VI. AND *whereas* the putative Fathers and lewd Mothers of Baſtard Children, often run away out of the City or Town, and ſometimes out of the County, and leave the ſaid Baſtard Children upon the Charge of the City or Town where they are born, although ſuch putative Father or Mother have Eſtate ſufficient to diſcharge ſuch City or Town; Therefore, *Be it further Enacted by the Authority aforeſaid,* That it ſhall and may be lawful for the Overſeers of the Poor of ſuch City or Town, where any Baſtard Child ſhall be born, to apply to any two Juſtices of the Peace of the City or County where the Eſtate real or perſonal, or any Part thereof, of ſuch putative Father, or lewd Mother, may be, and by Warrant under the Hands and Seals of the ſaid two Juſtices (who are hereby authoriſed and required to iſſue the ſame) to ſeize and take the Goods and Chattels, and to let out and receive the annual Rents and Profits of the Lands and Tenements of ſuch putative Father, or lewd Mother, ſo abſconding as aforeſaid, for and towards the bringing up and providing for ſuch Baſtard Child ſo left as aforeſaid; and ſo ſoon as the ſaid Seizure ſhall be allowed of, and confirmed by the Juſtices in their General Seſſions of the Peace, it ſhall and may be lawful for the Overſeers of the Poor of the City, Town or Place, or any two of them, from Time to Time, and as often as the Caſe may require, to ſell and diſpoſe of ſo much and ſo many of the ſaid Goods and Chattels, at public Vendue, to the higheſt Bidder, and to receive the ſaid Rents and Profits, or ſo much thereof as ſhall be ordered by the ſaid Seſſions, and to apply the Money ariſing thereby towards the bringing up and providing for ſuch Baſtard Child ſo left as aforeſaid. *And further,* That the ſaid Overſeers of the Poor ſhall be accountable to the Juſtices of the Peace, in their

their ſaid General Seſſions, for all ſuch Monies as ſhall or may ariſe by every ſuch Sale or Sales, or to be received by them for the Rents and Profits of ſuch Lands or Tenements.

Perſons ſued for executing this Act, may plead the general Iſſue, and give the ſpecial Matter in Evidence, & if acquitted, recover *treble* Coſts.

VII. *And be it further Enacted by the Authority aforeſaid*, That if any Perſon or Perſons ſhall be ſued for any Matter or Thing, which he or they ſhall do in Execution of this Act, he or they may plead the general Iſſue, and give the ſpecial Matter in Evidence: And if a Verdict ſhall paſs for the Defendant or Defendants, or if the Plaintiff ſhall be nonſuited, or diſcontinue his Suit, the Defendant or Defendants ſhall recover treble Coſts; and ſhall have the like Remedy for the ſame, as any Defendant hath in other Caſes by Law.

The Term, *Town*, comprehends Borough &c.

VIII. *And be it further Enacted by the Authority aforeſaid*, That the Term, *Town*, made uſe of in this Act, ſhall be deſcriptive of, equivalent to, and be underſtood to comprehend Borough, Townſhip, Town, Manor, Pariſh, Diſtrict, Precinct and Place, reſpectively.

CHAP. XVI.

An ACT *againſt buying and ſelling of Offices.*

Paſſed 7th February, 1788.

FOR the avoiding of Corruption in Officers, and to the Intent that Perſons worthy and meet to be advanced to Places where Juſtice is to be adminiſtered, or any Service of Truſt executed, and no other, ſhould hereafter be preferred to the ſame:

Any Perſon ſelling an Office, or Deputation of an Office, to loſe ſuch Office.

I. *Be it Enacted by the People of the State of* New-York, *repreſented in Senate and Aſſembly, and it is hereby Enacted by the Authority of the ſame*, That if any Perſon or Perſons, at any Time hereafter, bargain or ſell any Office or Offices, or Deputation of any Office or Offices, or any Part or Parcel of any of them, or receive, have or take any Money, Fee, Reward, or any other Profit, directly or indirectly, or take any Promiſe, Agreement, Covenant, Bond, or any Aſſurance to receive or have any Money, Fee or Reward, or other Profit, directly or indirectly, for any Office or Offices, or for the Deputation of any Office or Offices, or any Part of any of them, or to the Intent that any Perſon ſhould have, exerciſe or enjoy any Office or Offices, or the Deputation of any Office or Offices, or any Part of any of them; then, all and every ſuch Perſon and Perſons who ſhall ſo bargain or ſell any ſuch Office or Offices, Deputation or Deputations, or who ſhall take any Money, Fee, Reward or Profit, for any ſuch Office or Offices, Deputation or Deputations of any ſuch Office or Offices, or any Part of any of them, or who ſhall take any Promiſe, Agreement, Covenant, Bond or Aſſurance, for any Money, Fee, Reward or Profit to be given for any ſuch Office or Offices, Deputation or Deputations of any ſuch Office or Offices, or any Part of any of them, ſhall not only loſe and forfeit all his and their Right and Eſtate which ſuch Perſon or Perſons ſhall then have of, in or to ſuch Office or Offices, Deputation or Deputations, or any Part of any of them, or of, in or to the Gift or Nomination of ſuch Office or Offices, Deputation or Deputations, for the which Office or Offices, or for the Deputation or Deputations of which Office or Offices, or for any Part of any of them, any ſuch Perſon or Perſons ſhall ſo make any ſuch Bargain or Sale, or take or receive any Sum of Money, Fee, Reward or Profit, or any Promiſe, Agreement, Covenant, Bond or Aſſurance, to have or receive any Money, Fee, Reward or Profit; but alſo, all and every ſuch Perſon or Perſons, who ſhall give or pay any Sum of Money, Reward or Fee, or ſhall make any Promiſe, Agreement, Covenant,

And the Purchaſer of ſuch Office or Deputation, diſabled to hold ſuch Office.

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Covenant, Bond or Aſſurance, for any ſuch Office or Offices, or for the Deputation or Deputations of any ſuch Office or Offices, or any Part of any of them, ſhall immediately, by and upon the ſame Fee, Money or Reward, given or paid, or upon any ſuch Promiſe, Agreement, Covenant, Bond or Aſſurance, had or made for any Fee, Sum of Money, or Reward, to be paid or given as aforeſaid, be adjudged a diſabled Perſon in the Law, to all Intents and Purpoſes, to have, exerciſe or enjoy the ſaid Office or Offices, Deputation or Deputations, or any Part of any of them, for the which ſuch Perſon or Perſons ſhall ſo give or pay any Sum of Money, Fee or Reward, or make any Promiſe, Agreement, Covenant, Bond, or other Aſſurance, to give or pay any Sum of Money, Fee or Reward. *And further*, That all and every ſuch Bargains, Sales, Promiſes, Agreements, Covenants, Bonds and Aſſurances, as be before ſpecified, ſhall be void to and againſt him and them, by whom any ſuch Bargain, Sale, Promiſe, Agreement, Covenant, Bond or Aſſurance, ſhall be had or made.

And all ſuch Bargains to be void.

II. *Provided always, and be it further Enacted by the Authority aforeſaid*, That if any Perſon or Perſons do offend in any Thing contrary to the Tenor and Effect of this Statute, yet notwithſtanding all Judgments given, and all other Act and Acts executed or done by any ſuch Perſon or Perſons ſo offending, by Authority or Colour of the Office or Deputation, which ought to be forfeited or not occupied, or not enjoyed by the Perſon ſo offending as aforeſaid, after the ſaid Offence ſo by ſuch Perſon committed or done, and before ſuch Perſon ſo offending, for the ſame Offence be removed from the Exerciſe, Adminiſtration and Occupation of the ſaid Office or Deputation, ſhall be and remain good and ſufficient in Law, to all Intents, Conſtructions and Purpoſes, in ſuch like Manner and Form as the ſame ſhould or ought to have remained and been, if this Statute had not been made.

But all Judgments, Acts, &c. of Offenders, prior to their Removal from Office, to be good in Law.

CHAP. XVII.

An ACT *for preventing and puniſhing Perjury and Subornation of Perjury, and for compelling the Attendance of Witneſſes.*

Paſſed 7th February, 1788.

I. BE *it Enacted by the People of the State of* New-York, *repreſented in Senate and Aſſembly, and it is hereby Enacted by the Authority of the ſame*, That all and every Perſon and Perſons, who ſhall unlawfully and corruptly procure or ſuborn any Witneſs or Witneſſes, by Letters, Rewards, Promiſes, Menaces, Threats, or by any other ſiniſter or unlawful Labour or Means whatſoever, to commit any wilful and corrupt Perjury in any Matter or Cauſe whatſoever now depending, or which hereafter ſhall depend in Suit and Variance, by any Writ, Action, Bill, Complaint, Information or Indictment, in any wiſe touching or concerning any Lands, Tenements or Hereditaments, or any Goods, Chattels, Debt, Damages or Offence, in the Court of Chancery, or in the Court of Admiralty, or in the Court of Probates, or in any Court of Record, or before any Juſtice of the Peace, Mayor, Recorder or Alderman, or ſhall unlawfully and corruptly procure or ſuborn any Witneſs or Witneſſes, who ſhall be ſworn to teſtify in *Perpetuam Rei Memoriam;* that then every ſuch Offender ſhall, for his or her ſaid Offence, being thereof lawfully convicted or attainted, loſe and forfeit the Sum of *One Hundred Pounds:* And if any ſuch Offender, being ſo convicted or attainted as aforeſaid, ſhall not have any Goods or Chattels, Lands or Tenements to the Value of *One Hundred Pounds*, that then every ſuch Perſon ſo being convicted or attainted of any of the Offences aforeſaid, ſhall, for his ſaid Offence, ſuffer Impriſonment for the Space of *Six Months*, without Bail or Mainpriſe, and ſhall ſtand upon the Pillory the Space of *one whole Hour*, in ſome Town or public

Perſons procuring or ſuborning Witneſſes to commit Perjury;

Forfeit 1ool.

Or be impriſoned *ſix Months*, & ſtand upon the Pillory for *one Hour*.

public Place in the County or City where the Offence was committed. *And further*, That no Perſon being ſo convicted or attainted, ſhall thenceforth be received as a Witneſs, to depoſe or be ſworn in any Matter or Cauſe whatſoever, until the Judgment given againſt him or her ſhall be reverſed, by Attaint or otherwiſe.

And not be received or ſworn as a Witneſs.

II. *And be it further Enacted by the Authority aforeſaid*, That if any Perſon, either by the Subornation, unlawful Procurement, ſiniſter Perſuaſion or Means of any other, or by his or her own Act, Conſent or Agreement, wilfully and corruptly commit any Manner of wilful Perjury by his or her Depoſition, in any of the Courts aforeſaid, or before any Perſon or Perſons having competent Authority to take the ſame, and adminiſter ſuch Oath, or on being examined in *Perpetuam Rei Memoriam*, then he or ſhe ſo offending, and being thereof duly convicted or attainted, ſhall, for his or her ſaid Offence, loſe and forfeit *One Hundred Pounds*, and be impriſoned *Six Months*, without Bail or Mainpriſe: And ſuch Perſon ſo offending, from thenceforth ſhall not be received as a Witneſs, to depoſe or be ſworn in any Matter or Cauſe whatſoever, until the Judgment given againſt him or her, ſhall be reverſed by Attaint or otherwiſe. *And further*, If any ſuch Offender being ſo convicted or attainted as aforeſaid, ſhall not have any Goods or Chattels, Lands or Tenements, to the Value of *One Hundred Pounds*, that then every ſuch Offender ſo being convicted or attainted, ſhall be ſet on the Pillory for the Space of *one Hour*, in ſome Town or public Place in the ſame County or City where the ſaid Offence ſhall be committed.

Perſons convicted of Perjury,

To forfeit 100l. and be impriſoned *ſix Months*.

And for Want of Goods, &c. to be ſet on the Pillory.

III. *And be it further Enacted by the Authority aforeſaid*, That one Moiety of the ſaid Forfeiture, ſhall be to the Uſe of the People of this State, and the other Moiety to ſuch Perſon or Perſons as ſhall be grieved, hindered or moleſted by Reaſon of any the Offence or Offences aforeſaid, who will ſue for the ſame, by Action of Debt, Bill, Plaint or Information, in any Court of Record.

Forfeiture how to be applied.

IV. *And be it further Enacted by the Authority aforeſaid*, That in every Information or Indictment to be proſecuted againſt any Perſon for wilful and corrupt Perjury, either at the Common Law, or upon this Act, it ſhall be ſufficient to ſet forth the Subſtance of the Offence charged upon the Defendant, and by what Court, or before whom the Oath was taken (avering ſuch Court, or Perſon or Perſons, to have a competent Authority to adminiſter the ſame) together with the proper Averment or Averments to falſify the Matter or Matters wherein the Perjury or Perjuries is or are aſſigned, without ſetting forth the Bill, Anſwer, Information, Indictment, Declaration, or any Part of any Record or Proceedings, either in Law or Equity, other than as aforeſaid, and without ſetting forth the Commiſſion or Authority of the Court, or Perſon or Perſons before whom the Perjury was committed; any Law, Uſage or Cuſtom to the Contrary notwithſtanding.

What ſhall be ſufficient in Informations and Indictments for Perjury,

V. *And be it further Enacted by the Authority aforeſaid*, That in every Information or Indictment for Subornation of Perjury, or for corrupt bargaining, or contracting with others to commit wilful and corrupt Perjury, either at the Common Law, or upon this Act, it ſhall be ſufficient to ſet forth the Subſtance of the Offence charged upon the Defendant, without ſetting forth the Bill, Anſwer, Information, Indictment, Declaration, or any Part of any Record or Proceedings, either in Law or Equity, and without ſetting forth the Commiſſion or Authority of the Court, or Perſon or Perſons before whom the Perjury was committed, or was agreed or promiſed to be committed; any Law, Uſage or Cuſtom to the Contrary notwithſtanding.

Or for Subornation of Perjury.

VI. *And*

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Courts may direct Witneſſes to be proſecuted for Perjury,

VI. *And be it further Enacted by the Authority aforeſaid*, That it ſhall and may be lawful to and for any of the Juſtices of the Supreme Court, either at the Supreme Court, or any of the Circuit Courts, or Juſtices aſſigned to hear and determine, or Juſtices of Gaol Delivery, and they are hereby authoriſed, ſetting the Court, or within Twenty-four Hours after, to direct any Perſon examined as a Witneſs upon any Trial before him or them, to be proſecuted for the ſaid Offence of Perjury, in Caſe there ſhall appear to him or them a reaſonable Cauſe for ſuch Proſecution, and that it ſhall appear to him or them proper ſo to do; and to aſſign the Party injured, or other Perſon undertaking ſuch Proſecution, Counſel, who ſhall and are hereby required to do their Duty without any Fee, Gratuity or Reward for the ſame; and every ſuch Proſecution ſo directed as aforeſaid, ſhall be carried on without Payment of any Fees in Court, or to any Officer of the Court, who might otherwiſe claim or demand the ſame; and the Clerk, or other proper Officer who ſhall be attending when ſuch Proſecution is directed, ſhall, and is hereby required, without any Fee or Reward, to give the Party injured, or other Perſon undertaking ſuch Proſecution, a Certificate of the ſame being directed, together with the Names of the Counſel aſſigned him by the Court; which Certificate ſhall, in all Caſes, be deemed ſufficient Proof of ſuch Proſecution having been directed as aforeſaid: But that no ſuch Direction or Certificate ſhall be given in Evidence upon any Trial to be had againſt any Perſon, upon a Proſecution ſo directed as aforeſaid.

And to aſſign Counſel to the Proſecutor.

Proſecution to be carried on without Fees.

Clerk of the Court to give the Proſecutor a Certificate.

A Witneſs being ſubpœnaed, not appearing, forfeits 20l. and Damages, to the Party grieved.

VII. *And be it further Enacted by the Authority aforeſaid*, That if any Perſon upon whom any Proceſs out of any of the Courts of Record within this State, ſhall be ſerved to teſtify or depoſe concerning any Cauſe or Matter depending in any of the ſame Courts, and having tendered to him or her, according to his or her Degree or Calling, ſuch reaſonable Sums of Money for his or her Coſts and Charges, as, having Regard to the Diſtance of the Place, is neceſſary to be allowed in that Behalf, do not appear according to the Tenor of the ſaid Proceſs, not having a lawful and reaſonable Let or Impediment to the Contrary; then the Perſon making Default, ſhall loſe and forfeit, for every ſuch Offence, the Sum of *Twenty Pounds*, and ſhall yield further Recompence to the Party grieved, according to the Loſs and Hindrance which the Party who procured the ſaid Proceſs ſhall ſuſtain, by Reaſon of the Non-Appearance of ſuch Witneſs; the ſaid ſeveral Sums to be recovered by the Party ſo grieved, againſt the Offender, by Action of Debt, Bill, Plaint or Information, in any Court of Record, with Coſts of Suit.

See 12th Seſſ. Ch. 28. Sec. 5.

CHAP. XVIII.

An ACT *for preventing and puniſhing Champerty and Maintenance.*

Paſſed 7th February, 1788.

No Officer or other Perſon to proſecute for others to have Part of the Thing in Demand.

Such Agreements void.

Maintainers of Suits to be puniſhed by Fine and Impriſonment.

I. BE *it Enacted by the People of the State of* New-York, *repreſented in Senate and Aſſembly, and it is hereby Enacted by the Authority of the ſame*, That no Officer, or any other Perſon, ſhall take upon him any Buſineſs that is or may be in Suit in any Court, for to have Part of the Thing in Plea or Demand; and no Perſon upon any ſuch Covenant or Agreement, ſhall give up his Right to another; and if any do, ſuch Conveyance, Covenant and Agreement ſhall be void. *And further*, That all and every Perſon and Perſons who ſhall maintain any Plea, Suit or Matter depending, or hereafter to be depending in any Court, for Lands, Tenements or other Things, for to have Part or Profit thereof, ſhall be puniſhed by Fine or Impriſonment. But this Act ſhall not prohibit any Perſon to have Counſel of Pleaders, or Men learned in the Law, for his Fee, or of his Parents and next Friends.

II. *And*

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Officers, judicial or miniſterial, taking any Land while the Thing is in Plea, or any Reward, ſubject to Fine and Impriſonment.

II. *And be it further Enacted by the Authority aforeſaid*, That neither the Chancellor, the Juſtices of the Supreme Court, the Preſident of the Senate, Senators, Officers of the Court of Chancery, Clerks, or other Officers, judicial or miniſterial, or any or either of them, ſhall take or receive any Land or Tenements in Fee, by Gift or by Purchaſe, or to Farm, or by Champerty, or otherwiſe, ſo long as the Thing is in Plea in any Court, nor ſhall take any Reward thereof; and he who doth the Contrary, either by himſelf or by any other, or makes any Bargain concerning the ſame, ſhall be puniſhed by Fine or Impriſonment, as well he that purchaſeth, as he that doth ſell.

Who are to be called *Conſpirators*;

And who *Champertors*.

III. *And it is hereby Declared by the Authority aforeſaid*, That all ſuch as confederate or bind themſelves by Oath, Covenant, Agreement or other Alliance, that every of them ſhall aid and bear the other, falſely and maliciouſly to indict or cauſe to be indicted, any Perſon or Perſons, or falſely to move or maintain any Plea or Suit, and ſuch as maliciouſly cauſe Children within Age to appeal Men of Felony, whereby they are impriſoned and grieved, as ſuch as retain Men in the Country with Liveries or Fees, for to maintain their malicious Enterprizes, as well the Takers as the Givers, are properly to be called *Conſpirators*. And ſuch as move Pleas and Suits, or cauſe them to be moved, either by their own Procurement or by others, and ſue them at their own proper Coſts, for to have part of the Land or Thing in Variance, Controverſy or Demand, or Part of the Gains, are properly to be called *Champertors*.

Plaintiff may have a Writ againſt Conſpirators, Inventors and Maintainers of falſe Quarrels.

IV. *And be it further Enacted by the Authority aforeſaid*, That whoſoever will complain of Conſpirators, Inventors and Maintainers of falſe Quarrels, and the Partakers thereof, may cauſe them to be attached, that they be before the People of the State of *New-York*, to anſwer unto the Plaintiffs, by a Writ out of the Chancery, in Form following:

Form of the Writ.

THE *People of the State of* New-York, *To the Sheriff*, GREETING: *We command you, That if* A. *of* G. *ſhall make you ſecure of proſecuting his Complaint, then put by Gage and ſafe Pledges* C. *of* D. *that he be before us, on the* third *Tueſday of* January *next, whereſoever we ſhall then be, to anſwer the aforeſaid* A. *of a Plea of Conſpiracy and Treſpaſs, according to our Ordinance thereof lately provided, as the ſame* A. *can reaſonably ſhew that he ought to anſwer unto him thereof; and have you there the Names of the Pledges, and this Writ.*

Or may proſecute by Bill.

AND *further*, That if any Perſon ſhall proſecute by Bill without Writ, the Court ſhall do Right to the Plaintiff without Delay.

Perſons maintaining Quarrels not their own, to be puniſhed by Fine and Impriſonment, and Loſs of Office.

V. *And be it further Enacted by the Authority aforeſaid*, That no Perſon whoſoever, great or ſmall, either by himſelf or by any other, by ſending Letters or otherwiſe, ſhall take upon him to maintain Quarrels, other than his own, nor Parties in the Country or elſewhere, to the Let and Diſturbance of Law, upon Pain of being puniſhed by Fine or Impriſonment, and to loſe his Office, if he be an Officer.

Perſons maliciouſly indicted, or appealed out of the County where they reſide, if acquitted, to recover treble Damages.

VI. *And be it further Enacted by the Authority aforeſaid*, That every Citizen of this State, who ſhall maliciouſly be indicted or appealed of or for any Treaſon, Felony or Treſpaſs, by any Indictment or Appeal before the Juſtices of the Supreme Court, or before Juſtices aſſigned to hear and determine, or before Juſtices of the Peace, or before any other having Power to take ſuch Indictments or Appeals, and who ſhall be then dwelling in any other County than where ſuch Indictment or Appeal ſhall be taken, and who ſhall afterwards be duly acquitted thereof by Verdict, ſhall, after ſuch Acquittal, have a Writ and Action upon his Caſe, againſt every Procurer of ſuch Indictment or Appeal, and like Proceſs ſhall be upon and in the ſame Writ, as in a

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a Writ of Treſpaſs done with Force and Arms; and if ſuch Procurer be convicted in this Behalf, the Plaintiff ſhall recover his treble Damages.

Procurors of falſe Appeals, to be puniſhed by Fine and Impriſonment,

VII. *And be it further Enacted by the Authority aforeſaid*, That if any Perſon or Perſons, through Malice, intending to grieve another, do procure falſe Appeals to be made of Murder or other Felony, when the Party appealed doth acquit himſelf in any Court having Cognizance thereof, in due Manner, either at the Suit of the Appellor, or at the Suit of the People of this State, the Juſtices before whom the Appeal ſhall be heard and determined, ſhall puniſh the Appellor by Fine or Impriſonment; and the Appellor ſhall alſo reſtore to the Party appealed, his or her Damages, according to the Diſcretion of the Juſtices, having Reſpect to the Impriſonment or Arreſtment that the Party appealed hath ſuſtained, by Reaſon of ſuch Appeal, and to the Infamy he or ſhe hath incurred by the Impriſonment or otherwiſe. And if

And Appellor to pay Damages to the Party appealed;

And if unable, Inquiry to be made of Abettors,

ſuch Appellor be not able to recompence the Damages, it ſhall be inquired by whoſe Abetment or Malice the Appeal was commenced, if the Party appealed deſire it; and if it be found by the ſame Inqueſt, that any Perſon is Abettor, through Malice, he ſhall be diſtrained by a judicial Writ, at the Suit of the Party appealed, to come before the Juſtices, and if he be lawfully convicted of ſuch malicious Abetment, he ſhall be puniſhed by Fine or Impriſonment, and Reſtitution of the Damages, as above is ſaid of the Appellor.

Who ſhall be puniſhed in like Manner.

VIII. AND *whereas* many Perſons having Right and true Title, as well to Lands, Tenements and Rents, as to recover in perſonal Actions, be wrongfully prevented or delayed of their Right and Action, by Means that the Occupiers or Defendants, in order to be maintained and ſuſtained in their Wrong, do make Gifts and Conveyances of their Lands and Tenements, which be in Debate, and of their Goods and Chattels, to others; Therefore, *Be it further Enacted by the Authority aforeſaid*, That all ſuch Gifts and Conveyances ſo made or to be made, by Fraud or for Maintenance, ſhall be void, and holden for none.

All Gifts and Conveyances made for Maintenance, to be void.

Perſons buying or ſelling pretended Rights or Titles to Lands, to forfeit the Value of the Lands:

IX. *And be it further Enacted by the Authority aforeſaid*, That no Perſon or Perſons ſhall from henceforth bargain, buy, ſell or convey, or by any Ways or Means obtain, get or procure any pretended Rights or Titles, or make or take any Promiſe, Grant or Covenant, to have any Right or Title of any Perſon or Perſons, in or to any Manors, Lands, Tenements or Hereditaments, unleſs ſuch Perſon or Perſons who ſhall ſo bargain, ſell, grant or convey, or covenant, or promiſe the ſame, or their Anceſtors, or thoſe by whom he, ſhe or they claim the ſame, have been in the Poſſeſſion of the ſame, or of the Reverſion or Remainder thereof, or taken the Rents or Profits thereof, by the Space of one whole Year next before the ſaid Bargain, Sale, Grant, Conveyance, Covenant or Promiſe made, upon Pain that he or ſhe who ſhall make any ſuch Bargain, Sale, Grant, Conveyance, Covenant or Promiſe, ſhall forfeit the whole Value of the Lands, Tenements or Hereditaments, ſo bargained, ſold, granted, conveyed, covenanted or promiſed, contrary to the Form of this Act; and the Buyer or Taker thereof, knowing the ſame, ſhall alſo forfeit the Value of the ſaid Lands, Tenements or Hereditaments, ſo by him bought or taken as aforeſaid; the one Half of the ſaid Forfeitures to be to the Uſe of the People of this State, and the other Half to the Party that will ſue for the ſame, in any Court of Record, by Action of Debt, Bill, Plaint or Information. *Provided always*, That it ſhall be lawful for any Perſon or Perſons, being in lawful Poſſeſſion, by taking of the yearly Farm Rents, or Profits of or for any Manors, Lands, Tenements or Hereditaments, to buy, obtain, get or have, by any reaſonable Ways or Means, the pretended Right or Title of any other Perſon or Perſons, to, of, or in ſuch Manors, Lands, Tenements or Hereditaments, whereof he or they ſhall be ſo in lawful Poſſeſſion.

But lawful Poſſeſſors may buy the pretended Right of others.

X. *And*

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X. *And be it further Enacted by the Authority aforesaid*, That no Person or Persons do hereafter unlawfully maintain, or cause or procure any unlawful Maintenance, in any Matter or Cause whatsoever now depending, or which hereafter shall depend in Suit and Variance, by any Writ, Action, Bill, Complaint, Information or Indictment, in any wise touching or concerning any Lands, Tenements or Hereditaments, or any Goods, Chattels, Debts, Damages or Offences, in any Court in this State, or before any Person or Persons, who have, or hereafter shall have Authority, by Commission, Patent, Writ or otherwise, to examine, hear or determine any Matter or Witnesses concerning the same; and that no Person or Persons do hereafter unlawfully retain, for Maintenance of any Suit or Plea, any Person or Persons, or embrace any Freeholders or Jurors, by Letters, Rewards, Promises, or any other sinister Labour or Means, to maintain any Matter or Cause, or to the Hindrance or Disturbance of Justice, or to the Procurement or Occasion of any false Verdict, in any of the Courts aforesaid, upon Pain to forfeit, for every such Offence, *One Hundred Pounds*; the one Moiety thereof to the Use of the People of this State, and the other Moiety thereof to him who will sue for the same, by Action of Debt, Bill, Plaint or Information, in any Court of Record.

Persons unlawfully maintaining, or procuring unlawful Maintenance in any Matter or Cause,

Or retaining others for Maintenance, or embracing any Jurors,

To forfeit 100l.

CHAP. XIX.

An ACT *for the Prevention and Punishment of Extortion.*

Passed 7th February, 1788.

BE *it Enacted by the People of the State of* New-York, *represented in Senate and Assembly, and it is hereby Enacted by the Authority of the same*, That no Judge, Justice, Sheriff, or other Officer whatsoever, ministerial or judicial, shall receive or take any Fee or Reward to do his Office, but such as is or shall be allowed by the Laws of this State; and if any doth, he shall restore to the Party grieved, double Damages. *And further*, That if any Judge, Justice, Sheriff, or other Officer aforesaid, hath received or taken, or shall receive or take, by Colour of his Office, any Fee or Reward whatsoever, not allowed by the Laws of this State, for doing his Office, and be thereof convicted, either at the Suit of the Party grieved, in any Court of Record, or at the Suit of the People of this State, in the Supreme Court, or before Justices of Gaol Delivery, or before Justices assigned to hear and determine, or in any Court of General Sessions of the Peace, he shall be punished by Fine or Imprisonment, or both, according to the Discretion of the Court in which such Conviction shall be had.

Any Officer, ministerial or judicial, taking unlawful Fees, to pay double Damages to the Party grieved;

Or by Colour of his Office, taking any Fee or Reward not allowed by Law, to be punished by Fine or Imprisonment, or both.

CHAP. XX.

An ACT *for preventing and punishing Forgery and Counterfeiting.*

Passed 7th February, 1788.

I. BE *it Enacted by the People of the State of* New-York, *represented in Senate and Assembly, and it is hereby Enacted by the Authority of the same*, That if any Person shall falsely make, alter, forge or counterfeit, or cause or procure to be falsely made, altered, forged or counterfeited, or willingly act or assist in the false making, altering, forging or counterfeiting any Record, Charter, Deed, or Writing sealed, Will, Testament, Bond, Writing-Obligatory, Bill of Exchange, Promissory Note for Payment of Money, Indorsement or Assignment of any Bill of Exchange, or Promissory Note for Payment of Money, or any Acquittance or Receipt, either for Money or Goods, or any Acceptance of any Bill of Exchange, or the Number, or principal Sum of any accountable Receipt for any Note, Bill or other Security,

Persons forging, altering or counterfeiting, or causing to be forged, altered or counterfeited, any Record, Charter, Deed, &c. or acting or assisting therein,

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Security for Payment of Money, or any Warrant or Order for Payment of Money, or Delivery of Goods, with Intention to defraud any Perſon, or Body Politic or Corporate whatſoever, or ſhall utter or publiſh as true, any falſe, altered, forged or counterfeited Record, Charter, Deed, or Writing ſealed, Will, Teſtament, Bond, Writing-Obligatory, Bill of Exchange, Promiſſory Note for Payment of Money, Indorſement or Aſſignment of any Bill of Exchange, or Promiſſory Note for Payment of Money, Acquittance or Receipt, either for Money or Goods, or any Acceptance of any Bill of Exchange, or the Number, or principal Sum of any accountable Receipt, for any Note, Bill or other Security for the Payment of Money, or any Warrant or Order for the Payment of Money, or Delivery of Goods, with Intention to defraud any Perſon, or Body Politic or Corporate whatſoever, knowing the ſame to be falſe, altered, forged or counterfeited; then every ſuch Perſon being thereof convicted, according to the due Courſe of Law, ſhall be deemed guilty of Felony, and ſhall ſuffer Death as a Felon.

Or uttering or publiſhing, as true, any falſe, altered, forged or counterfeited Bond, &c.

To be deemed guilty of Felony, and to ſuffer Death.

II. *And be it further Enacted by the Authority aforeſaid*, That if any Perſon ſhall counterfeit, or cauſe or procure to be counterfeited, or act or aſſiſt in counterfeiting, any Certificate or other public Security iſſued, or to be iſſued by the Authority of the United States in Congreſs aſſembled, or by the Authority of the Legiſlature of this State, for Payment of Money, or acknowledging the Receipt of Money or Goods, or any Bill of Credit emitted or iſſued, or hereafter to be emitted or iſſued by or under the Authority of the United States in Congreſs aſſembled, or by or under the Authority of the Legiſlature of this State, or by or under the Authority of the Legiſlature of any other of the United States of *America;* or ſhall alter any Certificate iſſued or to be iſſued as aforeſaid, or any Bill of Credit emitted or iſſued, or to be emitted or iſſued as aforeſaid, ſo that the ſame ſhall appear to be of greater Value than the ſame was or ſhall be iſſued or emitted for, or intended to paſs for by the Law, Reſolution or Act, in Purſuance of which the ſame was or ſhall be iſſued or emitted; or ſhall utter, paſs or give in Payment, or offer to paſs or give in Payment, or procure to be uttered, paſſed or given in Payment, any ſuch counterfeited or altered Certificate, or Bill of Credit, knowing the ſame to be counterfeited or altered, then every ſuch Perſon, being thereof convicted, according to the due Courſe of Law, ſhall be deemed guilty of Felony, and ſhall ſuffer Death as a Felon.

Perſons counterfeiting, or cauſing to be counterfeited, or aſſiſting in counterfeiting public Securities or Bills of Credit,

Or altering the ſame;

Or uttering, paſſing or giving in Payment, any ſuch counterfeited or altered Certificate or Bill, ſhall be deemed guilty of Felony, and ſuffer Death.

III. And *whereas* it frequently happens, that the Perſons who ſo alter Certificates and Bills of Credit, with Reſpect to their Denomination, do at the ſame Time alter the ſame as to the numbering or indenting thereof, and alſo in other Reſpects, in ſo much that it is in ſome Caſes extremely difficult, and in others impoſſible to diſcover, from the Checks or other Memorandums remaining in the public Offices, the Sum for which the Certificate or Bill of Credit ſo altered, originally iſſued; Therefore, *Be it further Enacted by the Authority aforeſaid*, That in all Caſes where any ſuch Certificate or Bill of Credit ſhall be charged to have been altered, and they ſhall appear to have been altered, the ſame ſhall be preſumed to have been altered from a leſs to a greater Value, Sum or Denomination, and the Burthen of proving that the Certificate or Bill of Credit charged to have been altered, was not altered from a leſs to a greater Sum, ſhall lie on the Defendant charged with altering the ſame.

Certificates or Bills altered, to be preſumed to be altered from a leſs to a greater Value until proved otherwiſe by the Defendant.

IV. *And be it further Enacted by the Authority aforeſaid*, That if any Perſon ſhall counterfeit, or cauſe or procure to be counterfeited, or act or aſſiſt in counterfeiting, any of the Species of Gold or Silver Coins, now current or hereafter to be current in this State, or ſhall paſs or give in Payment, or offer to paſs or give in Payment, any ſuch Counterfeit, knowing the ſame to be

Perſons counterfeiting, or cauſing to be counterfeited, any Gold or Silver Coins, or paſſing, or offering to paſs the ſame, to ſuffer Death.

be counterfeit; then every such Person, being thereof convicted, according to the due Course of Law, shall be deemed guilty of Felony, and shall suffer Death as a Felon.

Former Acts concerning Forgery and Counterfeiting, repealed.

V. *And be it further Enacted by the Authority aforesaid*, That all other Acts and Clauses of Acts heretofore made, concerning Forgery and Counterfeiting, or the Punishment thereof, shall be, and hereby are repealed, except as to Offences heretofore committed.

CHAP. XXI.

An ACT *making it Felony in such who shall levy any Fine, suffer any Recovery, or acknowledge any Deed, Recognizance, Bail or Judgment in the Name of another, not being privy and consenting thereto.*

Passed 7th February, 1788.

Persons acknowledging, &c. Fines, Recoveries, Deeds, &c. in the Names of others not privy thereto, or personating others as Bail, to be adjudged guilty of Felony.

I. BE *it Enacted by the People of the State of* New-York, *represented in Senate and Assembly, and it is hereby Enacted by the Authority of the same*, That all and every Person and Persons, who shall acknowledge or procure to be acknowledged, any Fine or Fines, Recovery or Recoveries, Deed or Deeds, Recognizance or Recognizances, Bail or Bails, Judgment or Judgments, in the Name or Names of any other Person or Persons not privy or consenting to the same, and all and every Person and Persons who shall, before any Person or Persons authorised to take Bail or Bails, represent or personate any other Person or Persons, whereby the Person or Persons so represented or personated, may be liable to the Payment of any Sum or Sums of Money, for Debt or Damages, to be recovered in the same Suit or Action wherein the Person or Persons are represented or personated, as if he or they had really acknowledged and entered into the same Bail or Bails, being lawfully convicted or attainted thereof, shall be adjudged guilty of Felony.

This Act not to extend to Judgments acknowledged by Attornies of Record.

II. *Provided always, and be it further Enacted by the Authority aforesaid*, That this Act shall not extend to any Judgment or Judgments acknowledged by any Attorney or Attornies of Record, for any other Person or Persons, against whom any such Judgment or Judgments shall be had or given.

CHAP. XXII.

An ACT *to prevent stealing and avoiding Records.*

Passed 7th February, 1788.

Persons stealing Records, to be adjudged guilty of Felony.

I. BE *it Enacted by the People of the State of* New-York, *represented in Senate and Assembly, and it is hereby Enacted by the Authority of the same*, That if any Record or Parcel of the same, Writ, Return, Panel, Process, or other Proceeding in the Court of Chancery, Supreme Court, Exchequer, or in any other Court of Record, or in the Office of the Secretary of this State, or in the Office of the Clerk of any City or County in this State, hath been or hereafter shall be stolen, or willingly taken away, withdrawn or avoided, by any Clerk, or by any other Person, by Reason whereof any Judgment shall be reversed, then every such Stealer, Taker-away, Withdrawer or Avoider, their Procurers, Counsellors and Abettors, being convicted or attainted thereof, according to the due Course of Law, shall be adjudged guilty of Felony.

This Act not to extend to Amendments or Entries made by Order of Court.

II. *Provided always, and be it further Enacted by the Authority aforesaid*, That this Act shall not extend to any Amendment or Entry made or to be made by any Rule, Order, Judgment or Decree of any Court.

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Inde. *U. S.* XII.

CHAP. XXIII.

An ACT *declaring it to be Felony in Servants to embezzle their Maſter's Goods.*

Paſſed 7th February, 1788.

Servants intruſted by their Maſters, &c. with Money, Goods, &c. and going away with the ſame, with Intent to ſteal them,

Or embezzling them

To the Value of 20s. or above, to be adjudged guilty of Felony.

Not to extend to Apprentices, or Perſons under 18 Years of Age.

BE *it Enacted by the People of the State of* New-York, *repreſented in Senate and Aſſembly, and it is hereby Enacted by the Authority of the ſame,* That if any Servant to whom any Money, Goods or Chattels heretofore have been, or hereafter ſhall be, by his or her Maſter or Miſtreſs, delivered to be ſafely kept, hath withdrawn himſelf or herſelf, from his or her ſaid Maſter or Miſtreſs, and gone away, or hereafter ſhall withdraw himſelf or herſelf from his or her ſaid Maſter or Miſtreſs, and go away with the ſaid Money, Goods or Chattels, or any Part thereof, to the Intent to ſteal the ſame, and defraud his or her ſaid Maſter or Miſtreſs thereof, contrary to the Truſt and Confidence in him or her repoſed, by his or her ſaid Maſter or Miſtreſs; or being in the Service of his or her ſaid Maſter or Miſtreſs, without Aſſent or Commandment of his or her ſaid Maſter or Miſtreſs, hath embezzled, or ſhall embezzle the ſame Money, Goods or Chattels, or any Part thereof, or otherwiſe hath converted, or ſhall convert the ſame to his or her own Uſe, with like Purpoſe to ſteal the ſame, then, and in every ſuch Caſe, if the ſaid Money, Goods or Chattels, that any ſuch Servant hath gone away with, or ſhall go away with, or which ſuch Servant hath embezzled or ſhall embezzle, with Purpoſe to ſteal the ſame as aforeſaid, be of the Value of *Twenty Shillings*, or above; the ſame falſe, fraudulent and untrue Act or Demeanor, ſhall be adjudged Felony. But this Act ſhall not extend to any Apprentice, nor to any Perſon within the Age of *eighteen* Years, going away with the Goods or Chattels of his or her Maſter or Miſtreſs, or otherwiſe converting the ſame to his or her own Uſe, during the Time of his or her Apprenticeſhip, or being within the Age of *eighteen* Years; and every Apprentice, and every other Perſon under the Age of *eighteen* Years, doing or offending contrary to this Act, ſhall ſtand, and be in like Caſe as if this Act had not been made.

CHAP. XXIV.

An ACT *to reſtrain all Perſons from marrying, until their former Wives and former Huſbands be dead.*

Paſſed 7th February, 1788.

Perſons marrying others, during the Lives of their former Huſbands or Wives, guilty of Felony.

Where Offenders ſhall be tried.

To what Caſes this Act does not extend.

BE *it Enacted by the People of the State of* New-York, *repreſented in Senate and Aſſembly, and it is hereby Enacted by the Authority of the ſame,* That if any Perſon or Perſons being married, or who hereafter ſhall marry, do at any Time marry any Perſon or Perſons, the former Huſband or Wife being alive, then every ſuch Offence ſhall be Felony; and the Party and Parties ſo offending, ſhall receive ſuch and the like Proceedings, Trial, Judgment and Execution, in the County where ſuch Perſon or Perſons ſhall be apprehended, as if the Offence had been committed in the ſame County where ſuch Perſon or Perſons ſhall be taken or apprehended; but neither this Act, nor any Thing therein contained, ſhall extend to any Perſon or Perſons whoſe Huſband or Wife ſhall be continually remaining without the United States of *America*, by the Space of *five* Years together, or whoſe Huſband or Wife ſhall have abſented him or herſelf the one from the other by the Space of *five* Years together, the one of them not knowing the other to be living within that Time; nor to any Perſon or Perſons who are, or ſhall be, at the Time of ſuch Marriage, divorced by the Sentence or Decree of any Court having Cognizance thereof; nor to any Perſon or Perſons where the former Marriage hath been or ſhall be, by the Sentence or Decree of any ſuch Court, declared to be void and of no Effect; nor to any Perſon or Perſons for or by Reaſon of any former Marriage had or made, or to be had or made within the Age of Conſent.

CHAP.

CHAP. XXV.

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An ACT *to prevent malicious Maiming and Wounding.*
Passed 7th February, 1788.

BE *it Enacted by the People of the State of* New-York, *represented in Senate and Assembly, and it is hereby Enacted by the Authority of the same*, That if any Person or Persons shall, on Purpose, and of Malice aforethought, cut out the Tongue, or put out the Eyes of any other Person; or if any Person or Persons shall, on Purpose, and of Malice aforethought, and by lying in Wait, unlawfully cut out or disable the Tongue, put out an Eye, slit the Nose or Lip, or cut off the Nose or Lip, or cut off or disable any Limb or Member of any other Person, with Intention, in so doing, to murder or kill, or to maim, or disfigure, in any the Manners aforesaid, such other Person; every such Offence shall be deemed and adjudged Felony; and every Person or Persons so offending, and every Person and Persons who shall aid, abet, assist, counsel, hire or command, any Person or Persons to commit any of the said Offences, being thereof convicted or attainted, shall be, and hereby are declared to be Felons, and shall suffer Death for the same.

If any Person cut out the Tongue, put out the Eyes, or by lying in Wait, cut out or disable the Tongue, put out an Eye, slit the Nose, &c. of any other Person, with Intention to kill, maim or disfigure, he shall be deemed guilty of Felony, and punished with Death.

CHAP. XXVI.

An ACT *concerning Prisoners breaking Prison.*
Passed 7th February, 1788.

BE *it Enacted by the People of the State of* New-York, *represented in Senate and Assembly, and it is hereby Enacted by the Authority of the same*, That no Person from henceforth, who, being imprisoned, shall break Prison, shall have Judgment of Life or Member, for breaking of Prison only, except the Cause for which such Prisoner was taken and imprisoned, did require such Judgment, if he had been convicted thereupon, according to the Law and Custom of this State.

Breaking Prison not Felony, unless the Prisoner was detained for Felony.

CHAP. XXVII.

An ACT *to repeal an Act, entitled,* ‡ *An* Act *to prevent the Destruction of Fish in the County of* Suffolk.
Passed 8th February, 1788.

‡ *9th Sess. Ch. 39.*

BE *it Enacted by the People of the State of* New-York, *represented in Senate and Assembly, and it is hereby Enacted by the Authority of the same*, That the Act entitled, *An* Act *to prevent the Destruction of Fish in the County of* SUFFOLK, passed the seventeenth Day of *April*, One Thousand Seven Hundred and Eighty-six, be, and the same is hereby repealed.

CHAP. XXVIII.

An ACT *requiring all Persons holding Offices or Places under the Government of this State, to take the Oaths therein mentioned.*
Passed 8th February, 1788.

I. BE *it Enacted by the People of the State of* New-York, *represented in Senate and Assembly, and it is hereby Enacted by the Authority of the same*, That every Person who shall hereafter be elected a Member of the Senate of this State, and every Person who shall hereafter be elected a Member of the Assembly of this State, before he takes his Seat, and every Person who shall hereafter be elected Governor, or Lieutenant-Governor of this State, and every

Members of Senate and Assembly, Governor and Lieutenant-Governor, Delegates to Congress, and all other Civil and Military Officers, required to take an Oath.

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every Perſon who ſhall hereafter be appointed a Delegate to repreſent this State in the Congreſs of the United States, and every Perſon who ſhall hereafter be appointed to any Office, Civil or Military, before he enters upon the Execution of his Truſt, Place or Office, ſhall, and hereby is required to take and ſubſcribe the following Oath; *That is to ſay,*

Form of the Oath.

I —— ——, *do ſolemnly, without any mental Reſervation or Equivocation whatſoever, ſwear and declare, That I renounce and abjure all Allegiance and Subjection to all and every foreign King, Prince, Potentate and State, in all Matters Eccleſiaſtical as well as Civil; and that I will bear Faith and true Allegiance to the State of* New-York, *as a free and independent State.*

Governor, Lieutenant-Governor, and Preſident of the Senate to take an Oath of Office.

II. *And be it further Enacted by the Authority aforeſaid,* That every Perſon who ſhall hereafter be elected Governor or Lieutenant-Governor of this State, and every Preſident of the Senate, who ſhall at any Time adminiſter the Government of this State, ſhall alſo, before he enters upon the Execution of his Truſt, Place or Office, take the following Oath of Office, *to wit:*

Form of the Oath.

I —— ——, *elected Governor, Lieutenant-Governor or Preſident of the Senate,* (as the Caſe may be) *of the State of* New-York, *do ſolemnly ſwear and declare, That I will, in all Things, to the Beſt of my Knowledge and Ability, faithfully perform the Truſt repoſed in me as Governor, Lieutenant-Governor, or Preſident of the Senate* (as the Caſe may be) *of the State of* New-York, *by executing the Laws and maintaining the Peace, Freedom and Independence of the ſaid State, in Conformity to the Powers delegated unto me by the Conſtitution of the ſaid State.*

Preſident and Members of the Court for the Trial of Impeachments and Correction of Errors, & all other judicial Officers, to take an Oath.

III. *And be it further Enacted by the Authority aforeſaid,* That the Preſident of the Court for the Trial of Impeachments, and the Correction of Errors, and every Member of the ſaid Court, and all judicial Officers in this State, hereafter to be elected or appointed, ſhall alſo, before they enter upon the Execution of their reſpective Offices, ſeverally take and ſubſcribe the following Oath, *to wit:*

Form of the Oath.

I —— ——, *do ſolemnly ſwear and declare, That I will, to the Beſt of my Knowledge and Ability, execute the Office of* (here deſcribe the Office), *according to the Conſtitution and Laws of the State of* New-York, *in Defence of the Freedom and Independence thereof, and for the Maintenance of Liberty, and the Diſtribution of Juſtice among the Citizens and Inhabitants of the ſaid State, without any Fear, Favour, Partiality, Affection, or Hope of Reward.*

The Secretary of the State to take an Oath.

IV. *And be it further Enacted by the Authority aforeſaid,* That every Perſon who ſhall hereafter be appointed Secretary of this State, ſhall alſo, before he enters upon the Execution of his Office, take and ſubſcribe the following Oath, *to wit:*

Form thereof.

I —— ——, *Secretary of the State of* New-York, *do ſolemnly ſwear and declare, That I will, in all Things, according to the Beſt of my Knowledge and Ability, juſtly and honeſtly keep the Records, Parchments, Papers, and Inſtruments of Writing, committed unto me, and which ſhall be, from Time to Time hereafter committed unto me, by Virtue of my ſaid Office, and in all Things, to the Beſt of my Knowledge and Underſtanding, faithfully and honeſtly perform the Duty of my ſaid Office of Secretary, and the Truſt repoſed in me, without Favour or Partiality.*

Sheriffs, Coroners and Marſhals of *Hudſon*, and their Deputies, to take an Oath.

V. *And be it further Enacted by the Authority aforeſaid,* That every Perſon who ſhall hereafter be appointed Sheriff or Coroner of the City and County of *New-York*, or *Albany*, or of any other County in this State, and the Chief Marſhal of the City of *Hudſon*, and all and every of their Deputies reſpectively, ſhall alſo, before he, they or any of them ſhall enter upon the Execution of the ſaid Office, take the following Oath, *to wit:*

I ——

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I ——— ———, *Sheriff* (or *Coroner*, or *Chief Marshal*, or *Deputy Marshal*, or *Under Sheriff*, or *one of the Deputies of the Sheriff*, as the Case may be) *of the City and County of* New-York, (*or* Albany, *or* Hudson, or, *of the County of* ———, as the Case may be) *do solemnly swear and declare, That I will well and truly serve the People of the State of* New-York, *in the Office of Sheriff* (or *Coroner*, or *Chief Marshal*, or *Deputy Marshal*, or *Under Sheriff*, or *one of the Deputies of the Sheriff*, as the Case may be) *of the said County*, (or *City and County*, or *City*, as the Case may be) *during my Continuance therein; and will faithfully and truly execute, or cause to be executed*, (the Words, *or cause to be executed*, to be omitted in the Oath to be administered to an Under Sheriff, or Deputy Sheriff, or Deputy Marshal) *all Writs and Precepts which shall be delivered to me, or come to and remain in my Hands for that Purpose, according to the Best of my Knowledge, Skill and Judgment; and that I will not corruptly or unjustly use or exercise the said Office, during the Time that I shall remain therein; neither will I, directly or indirectly, accept, receive or take, by any Colour, Means or Device whatsoever, or consent to the Taking any Manner of Fee or Reward whatsoever, of or from any Person or Persons whomsoever, for the summoning, impanneling or returning of any Inquest, Jury or Tales, in any Court, for the People of this State, or between Party and Party, other than such Fees or Reward as now are, or hereafter shall be allowed by Law for the same; and that I will not, directly or indirectly, exact or demand, any Manner of Fee or Reward whatsoever, from any Person or Persons whomsoever, for serving or returning of any Writ, Precept or Process whatsoever, or for any other Service whatsoever, in my said Office, other than such Fees or Reward as now are, or hereafter shall be allowed for the same by Law; but that I will demean myself honestly and impartially in all Things that shall belong to the Duty of my said Office, according to the Best of my Knowledge, Skill and Ability.*

Form thereof.

VI. *And be it further Enacted by the Authority aforesaid*, That every Person who shall hereafter be appointed Register, or Clerk of any Court, or Clerk of any City or County in this State, shall also, before he enters upon the Execution of his Office, take the following Oath, *to wit:*

Registers or Clerks of Courts, and Clerks of Cities and Counties to take an Oath.

I ——— ———, *Register* (or *Clerk*, or *one of the Clerks*) *of the Court of* ———, (or *Clerk of the County of* ———, or *of the City and County of* ———, or *of the City of* ———, as the Case may be) *do solemnly swear and declare, That I will justly and honestly keep the Records, Parchments, Papers and Writings committed to me, by Virtue of my said Office, and which shall be from Time to Time hereafter committed unto me, and in all Things, to the Best of my Knowledge and Understanding, faithfully and honestly perform the Duty of my said Office, and the Trust reposed in me, without Favour or Partiality.*

Form thereof.

VII. *And be it further Enacted by the Authority aforesaid*, That all other ministerial Officers hereafter to be appointed, shall also, before they respectively enter upon the Execution of their respective Offices, severally take and subscribe the following Oath, *to wit:*

All other ministerial Officers to take an Oath.

I ——— ———, *appointed to the Office of* (here insert the Officer's Title of Office) *do solemnly promise and swear, That I will in all Things, to the Best of my Knowledge and Ability, faithfully perform the Trust reposed in me.*

Form thereof.

VIII. *And be it further Enacted by the Authority aforesaid*, That the said Oaths shall be taken and subscribed before such Person or Persons as shall be appointed by Commission for that Purpose, under the Great Seal of this State, in Nature of a *Dedimus Potestatem*, who shall take such Subscriptions on a Roll or Rolls, to be provided for that Purpose, containing a proper Caption or Captions, with the said Oaths written at length thereon, and subscribed with the proper Names and Hand-Writing of the several Person and Persons taking

Before whom the Oaths are to be taken and subscribed.

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taking ſuch reſpective Oaths; which Rolls ſhall be diſpoſed of as follows, *to wit:* Thoſe containing the Oaths and Subſcriptions of any Governor, Lieutenant-Governor, Preſident of the Senate, Member of the Senate or Aſſembly, Chancellor, Judge of the Supreme Court, Judge of the Court of Admiralty, Judge of the Court of Probates, or any Officer of either of the ſaid Courts, or Attorney-General, or Secretary of this State, or Military Officer, whoſe Office ſhall extend into more than one County, ſhall be depoſited and kept in the Office of the Secretary of this State; and thoſe containing the Oaths and Subſcriptions of the reſpective County Officers, both Civil and Military, ſhall be depoſited and kept in the Office of the Clerk of the ſame County.

Subſcription Rolls how to be diſpoſed of.

IX. *Provided always, and be it further Enacted by the Authority aforeſaid,* That this Act ſhall not extend to any County Treaſurer, Superviſor, Town-Clerk, Commiſſioner of the Highway, Aſſeſſor, Collector, Conſtable or other Town Officer.

This Act not to extend to any County Treaſurer or Town Officer.

CHAP. XXIX.

† 9*th Seſſ. Ch.* 34.

An ACT *to repeal the Act, entitled,* † *An* Act *for the Relief of Inſolvent Debtors.*

Paſſed 8th February, 1788.

CHAP. XXX.

An ACT *to take out of Circulation the Bills of Credit emitted by Law, and to emit others as a Subſtitute.*

Paſſed 8th February, 1788.

‡ 9*th Seſſ. Ch.* 40.

WHEREAS, by Virtue of an Act of the Legiſlature of this State, entitled, ‡ *An* Act *for emitting the Sum of Two Hundred Thouſand Pounds in Bills of Credit, for the Purpoſes therein mentioned,* paſſed the eighteenth Day of *April,* One Thouſand Seven Hundred and Eighty-ſix, Bills of Credit to the Amount of *Two Hundred Thouſand Pounds,* were emitted: *And whereas* Counterfeits of the ſaid Bills have been made, and have been paſſed as true Bills, to the great Injury of the good People of this State; Therefore,

New Bills of Credit to be made, to the Amount of the Bills emitted by Act of the 18th *April,* 1786.

I. *Be it Enacted by the People of the State of* New-York, *repreſented in Senate and Aſſembly, and it is hereby Enacted by the Authority of the ſame,* That Bills of Credit, to the Amount, and of the ſeveral Denominations of the Bills ſpecified in the firſt Section of the Act herein before recited, and ſtill remaining in Circulation, be made forthwith after the paſſing of this Act; and that upon every of the ſaid Bills ſhall be impreſſed the Arms of the State of *New-York,* and the Words following, *to wit:*

BY *a Law of the State of* New-York, *this Bill ſhall be received in all Payments into the Treaſury, for* ———. New-York, *the* —— *Day of* —— *One Thouſand Seven Hundred and Eighty-eight.*

AND alſo the Words, *It is Death to counterfeit this Bill,* together with ſuch other Words and Devices as the Treaſurer of this State for the Time being, and *Daniel M'Cormick, John De Peyſter, Nicholas Hoffman* and *Hendrick Wyckoff,* or any three of them, ſhall direct; which Bills, when ſo impreſſed, ſhall be numbered by *Daniel M'Cormick, Hendrick Wyckoff, John De Peyſter* and *Nicholas Hoffman,* or any of them, and ſigned by any two of them; and when ſigned, ſhall, by the Perſons hereby appointed Signers thereof, or any of them, be delivered unto the ſaid Treaſurer, who ſhall give duplicate Receipts for the ſame, one of which ſhall be delivered by the ſaid Signers, or any one of them, to the Legiſlature of this State, whenever the ſame ſhall be required.

The Bills when ſigned to be delivered to the Treaſurer.

II. *And*

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II. *And be it further Enacted by the Authority aforeſaid*, That the ſaid Treaſurer, and the ſaid *Daniel M'Cormick*, *Hendrick Wyckoff*, *John De Peyſter* and *Nicholas Hoffman*, or any three of them, ſhall, and they are hereby authoriſed to employ ſuch and ſo many Engravers as they ſhall deem proper, to engrave ſuch and ſo many Plates for the ſaid Bills as they may judge neceſſary, and ſhall direct with what Types the Words to be printed on the ſaid Bills ſhall be impreſſed thereon, and ſhall procure ſuch Paper for the ſaid Bills, as in their Judgment ſhall be beſt adapted to the Purpoſe, and ſhall employ ſuch Printer to print the ſaid Bills, as they may think proper; which Printer ſhall perform the Printing under ſuch Inſpection, and agreeably to ſuch Directions as they ſhall, from Time to Time, give and order: *And further*, That they the ſaid *Daniel M'Cormick*, *Hendrick Wyckoff*, *John De Peyſter* and *Nicholas Hoffman*, and every Perſon by them or any of them employed in engraving the Plates, or printing the Bills, or to inſpect the Printer, whilſt the ſame Bills are ſtriking off, ſhall, before they reſpectively enter on the Buſineſs aſſigned them, take and ſubſcribe, before one of the Juſtices of the Supreme Court, or the Mayor or Recorder of the City of *New-York*, an Oath, well and truly to execute the truſt repoſed in them, by and in Purſuance of this Act.

The Treaſurer and Signers
To employ Engravers,
Chooſe Types,
Procure Paper,
And employ a Printer.

All Perſons concerned to be ſworn to the faithful Execution of their Truſts.

III. *And be it further Enacted by the Authority aforeſaid*, That if any more of the ſaid Bills ſhall be printed than is directed by this Act, then the ſaid *Daniel M'Cormick*, *Hendrick Wyckoff*, *John De Peyſter* and *Nicholas Hoffman*, or any two of them, as ſoon as the Number of Bills of each Denomination to be made as aforeſaid, ſhall be ſigned and delivered to the ſaid Treaſurer, ſhall immediately, and in the Preſence of the ſaid Treaſurer, deſtroy ſuch ſupernumerary Bills, and the Plates by which the Bills were ſtruck off ſhall be melted down, or otherwiſe deſtroyed in the Preſence of the ſaid Treaſurer, and of the ſaid *Daniel M'Cormick*, *Hendrick Wyckoff*, *John De Peyſter* and *Nicholas Hoffman*, or any two of them.

Supernumerary Bills, with the Plates, to be deſtroyed.

IV. *And be it further Enacted by the Authority aforeſaid*, That as ſoon as the ſaid Treaſurer ſhall have received from the ſaid Signers, to the Amount of *Thirty Thouſand Pounds* of the ſaid new Bills, he ſhall cauſe Advertiſements to be publiſhed in two of the News-Papers printed in the City of *New-York*, and in each of the public News-Papers printed in the other Cities and Counties within this State, requiring the Holders of any of the Bills of Credit emitted by Virtue of the ſaid recited Act, to bring the ſame into the Treaſury, and notifying that he will give in Exchange for the ſame, Bills of Credit of equal Value, emitted by Virtue of this Act.

The Treaſurer to give the new Bills in Exchange for thoſe emitted by Act of the 18th *April*, 1786.

V. *And be it further Enacted by the Authority aforeſaid*, That the Bills of Credit to be emitted by Virtue of this Act, ſhall paſs and be receivable in all Caſes, in like Manner as the Bills of Credit emitted by the ſaid herein before recited Act, were thereby enacted to be receivable and taken.

The Bills emitted by this Act, to paſs and be received as the former.

VI. *And be it further Enacted by the Authority aforeſaid*, That all the Bills of Credit which the ſaid Treaſurer ſhall receive in Exchange as aforeſaid, ſhall be by him, from Time to Time, deſtroyed in the Manner directed by the Forty-ninth Section of the ſaid recited Act, in the Preſence of the ſaid *Daniel M'Cormick*, *Hendrick Wyckoff*, *John De Peyſter* and *Nicholas Hoffman*, or any two of them; but the ſaid Treaſurer ſhall, on the *firſt* Monday of *November* next enſuing the paſſing of this Act, and annually on the *firſt* Monday of *November* in each Year following, previous to the deſtroying of the ſaid Bills, deliver unto the Perſons hereby nominated as Signers of the Bills to be emitted by Virtue of this Act, two ſeparate Accounts, ſubſcribed by himſelf, of the Amount and Denomination of the Bills ſo by him to be at that Time cancelled; which Signers, or any three of them, after having examined the ſaid

The Bills received in Exchange, to be deſtroyed by the Treaſurer and Signers.

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ſaid Bills, and having found that the Amount and Denominations correſpond with the ſaid Accounts, and having ſeen the ſaid Bills deſtroyed, ſhall indorſe and ſubſcribe a Certificate on each of the ſaid Accounts, purporting, that the Bills therein ſpecified, have been cancelled by the ſaid Treaſurer; one of which Accounts, ſo certified and ſubſcribed, ſhall be delivered to the ſaid Treaſurer, and the other retained by the ſaid Signers, or one of them, to be delivered to the Legiſlature, whenever required.

VII. AND *whereas* it may ſo happen, that Perſons poſſeſſed of Bills of Credit, emitted by Virtue of the ſaid recited Act, and who may have borrowed the ſaid Bills at any Loan-Office, eſtabliſhed by the ſaid Act, may find it moſt convenient to pay the ſame Bills into ſuch Loan-Office, for Principal or Intereſt, or for both, of the Money ſo borrowed; Therefore, *Be it further Enacted by the Authority aforeſaid*, That all ſuch of the Bills emitted by Virtue of the ſaid recited Act, as ſhall be ſo paid into any Loan-Office, and by any Loan-Officer into the Treaſury of this State, ſhall be cancelled, accounted for, and diſpoſed of in the Manner directed in the laſt preceding Section of this Act. *Provided always*, That none of the Bills emitted by Virtue of the ſaid recited Act, ſhall be received by any Loan-Officer after the *ninth* Day of *July* next, but that thenceforth all ſuch Bills ſhall be exchanged at the Treaſury, until the *third* Tueſday of *June*, in the Year One Thouſand Seven Hundred and Eighty-nine; after which Period they ſhall not be ſo exchanged, nor taken in any Payments whatſoever.

Former Bills received by Loan-Officers, to be cancelled as in the laſt Clauſe.

Such Bills not to be received after 1788;

But to be exchanged at the Treaſury until *third* Tueſday in *June*, 1789.

VIII. AND *whereas* Doubts have ariſen whether any of the Bills of Credit, or other Monies which may be paid into the Loan-Offices by the Borrowers of ſuch Bill, as in Part of the Principal loaned, were to be paid into the Treaſury, and there deſtroyed, if ſuch Payment was in Bills, or detained, if in Gold or Silver, for the Redemption of the Bills in Circulation; Therefore, to remove ſuch Doubts, *Be it further Enacted by the Authority aforeſaid*, That any Part of any Principal, borrowed by any Perſon whoſoever, which ſhall have been paid, or have come into any Loan-Office, or which ſhall hereafter, and on or before the *third* Tueſday in *June*, which will be in the Year of our Lord One Thouſand Seven Hundred and Ninety, or within *Twenty-two* Days thereafter, be paid or come into any Loan-Office, ſhall and may be ‡ *re-loaned* by the reſpective Loan-Officers, on the Terms and Conditions directed in the ſaid recited Act; any Thing in the ſaid Act, or this Act, to the Contrary notwithſtanding.

Principal paid to any Loan-Officer before the *third* Tueſday in *June*, 1790, to be *re-loaned*.

‡ *Altered 12th Seſſ. Ch. 29. Sec. 4.*

IX. *And be it further Enacted by the Authority aforeſaid*, That all Monies which ſhall hereafter, and on or before the *third* Tueſday of *June*, which will be in the Year of our Lord One Thouſand Seven Hundred and Ninety, or within *Twenty-two* Days thereafter, be paid into any Loan-Office for Intereſt, and all Monies which ſhall, from and after the ſaid *third* Tueſday in *June* laſt mentioned, or within *Twenty-two* Days thereafter, be paid into any Loan-Office, in Diſcharge either of Principal or Intereſt, ſhall, by the Loan-Officers reſpectively, be paid into the Treaſury of this State, and ſo much of ſuch Monies as ſhall be ſo paid into the Treaſury in Bills of Credit, ſhall, by the Treaſurer, be cancelled, accounted for and diſpoſed of, in the Manner directed by the ſixth Section of this Act; any Thing in the ſaid recited Act, or in this Act, to the Contrary thereof notwithſtanding. But if ſuch Monies, or any Part thereof, ſhall be paid in Gold or Silver, the ſame ſhall be diſpoſed of in the Manner herein after directed.

Monies on or before *third* Tueſday in *June*, 1790, paid to any Loan-Officer for Intereſt, or afterwards in Diſcharge of Principal or Intereſt, to be paid into the Treaſury.

Treaſurer's Duty as to Bills paid into the Treaſury,

And as to Gold and Silver.

X. AND *whereas* Proviſion was made in and by the ſaid recited Act, for the Redemption of the Bills of Credit emitted by Virtue thereof, ſo as that the whole of the ſaid Bills ſhould be redeemed in the Year One Thouſand Eight

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Eight Hundred; in order therefore more effectually to accelerate the ſaid Redemption: *Be it further Enacted by the Authority aforeſaid*, That whenever any Gold or Silver ſhall be paid into the Treaſury of this State, for Principal or Intereſt of any of the Bills of Credit which have been or may be loaned; the Treaſurer ſhall, and he is hereby required from Time to Time, to exchange ſuch Gold or Silver for ſuch Bills, at the Value expreſſed on ſuch Bills; and the Bills ſo received in Exchange, ſhall be cancelled, accounted for, and diſpoſed of in the Manner directed by the ſixth Section of this Act.

Gold or Silver paid into the Treaſury for Principal or Intereſt, to be exchanged for Bills.

XI. *And be it further Enacted by the Authority aforeſaid*, That if the Treaſurer ſhall not, by Means of ſuch Exchange as aforeſaid, have redeemed the whole of the ſaid Bills of Credit on or before the *firſt* Monday of *November*, in the Year One Thouſand Eight Hundred, he ſhall, by Advertiſements, to be publiſhed in three of the News-Papers printed in this State, require all Perſons having any of the ſaid Bills of Credit in Poſſeſſion, to come and exchange the ſaid Bills for Gold or Silver, on or before the *laſt* Day of *December* then next enſuing; and if any of ſuch Bills ſhall remain in Circulation after the ſaid *laſt* Day of *December*, they ſhall not be ſo exchanged, but ſhall nevertheleſs be received in all Payments into the Treaſury of this State.

How the Treaſurer ſhall proceed if he has not redeemed all the Bills by the *firſt* Monday in *November*, 1800.

Bills not redeemed, to be received in all Payments in the Treaſury.

XII. *And be it further Enacted by the Authority aforeſaid*, That the Treaſurer ſhall pay the Expences which ſhall accrue for engraving the Plates, procuring the Paper, printing the Bills, and inſpecting the Printer, and all other incidental Expences which may ariſe in or about the Execution of this Act, and alſo to each of the Perſons authoriſed to ſign the Bills to be emitted by Virtue of this Act, at the Rate of *Two Shillings* for every Hundred of the ſaid Bills which they ſhall reſpectively ſign, and at the Rate of *One Shilling and Six-pence* for every Hundred of the ſaid Bills which they ſhall reſpectively number; the Accounts of the ſaid Expences and Charges being firſt audited by the Auditor of this State for the Time being.

Treaſurer to pay the Expences for iſſuing the new Bills.

Allowance for ſigning and numbering.

XIII. *And be it further Enacted by the Authority aforeſaid*, That if, at any Time before a Sale by the Loan-Officers, the reſpective Mortgagors, their Heirs or Aſſigns, ſhall pay to the Loan-Officers the whole of the Monies, by Reaſon of the Neglect to bring in and pay which, ſuch Sale ſhall have been advertiſed, together with the Expences of advertiſing, the Loan-Officers ſhall not proceed to a Sale; and the ſeveral Mortgagors and their reſpective Heirs and Aſſigns ſhall, on ſuch Payment be, with Reſpect to the Equity of Redemption, and their Eſtate and Right of, in and to the mortgaged Premiſes, reſtored to, and be in the ſame Condition as if there had not been a Neglect to bring in and pay the ſaid Monies; any Thing in the herein recited Act to the Contrary notwithſtanding.

Mortgagors at any Time before Sale, paying the whole Money and Expences, reſtored to their Eſtate in the mortgaged Premiſes.

CHAP. XXXI.

An ACT *for apprehending and puniſhing diſorderly Perſons.*

Paſſed 9th February, 1788.

I. BE *it Enacted by the People of the State of* New-York, *repreſented in Senate and Aſſembly, and it is hereby Enacted by the Authority of the ſame*, That all Perſons who threaten to run away and leave their Wives or Children to the City or Town, and all Perſons who ſhall unlawfully return to the City or Town from whence they ſhall reſpectively have been legally removed by order of two Juſtices of the Peace, without bringing a Certificate from the City or Town whereto they reſpectively belong; and alſo all Perſons, who not having wherewith to maintain themſelves, live idle without Employment, and

Who are to be deemed and adjudged *diſorderly Perſons*.

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and alſo all Perſons who go about from Door to Door, or place themſelves in the Streets, Highways or Paſſages, to beg in the Cities or Towns where they reſpectively dwell, and all Juglers, and all Perſons pretending to have Skill in Phyſiognomy, Palmeſtry, or like crafty Science, or pretending to tell Fortunes, or to diſcover where loſt Goods may be found; and all Perſons who run away and leave their Wives or Children, whereby they reſpectively become chargeable to any City or Town; and all Perſons wandering abroad and lodging in Taverns, Beer-Houſes, Out-Houſes, Market-Places or Barns, or in the open Air, and not giving a good Account of themſelves, and all Perſons wandering abroad and begging, and all idle Perſons not having viſible Means of livelihood, and all common Proſtitutes, ſhall be deemed and adjudged *diſorderly Perſons*; and it ſhall and may be lawful for any Juſtice of the Peace to commit ſuch diſorderly Perſons (being thereof convicted before him, by his own View, or by the Confeſſion of ſuch Offenders, reſpectively, or by the Oath of one or more credible Witneſs or Witneſſes) to the Bridewell or Houſe of Correction, of ſuch City or Town, there to be kept at hard Labour, for any Time not exceeding *ſixty* Days, or until the next General Seſſions of the Peace to be holden in and for the City or County in which ſuch Offence ſhall happen.

Diſorderly Perſons, on Conviction, to be committed to Bridewell, or Houſe of Correction.

II. AND *whereas* Doubts have ariſen and hereafter may ariſe, where Authority is given to any Juſtice or Juſtices of the Peace to commit Offenders to the Bridewell or Houſe of Correction for Offences cognizable before them out of the General Seſſions of the Peace, how long Offenders may be there detained, and in what Manner treated, where the Time and Manner of their Puniſhment is not by Law expreſsly directed, limited or appointed; Therefore, *Be it further Enacted by the Authority aforeſaid*, That where any Offenders ſhall be committed as aforeſaid by Virtue of any Law now in being, or hereafter to be made, other than in Caſes of Petit Larceny, and the Time and Manner of their Puniſhment is not expreſsly limited, directed and appointed, the ſaid Juſtice or Juſtices ſhall commit ſuch Offender to the Bridewell or Houſe of Correction, there to be kept to hard Labour until the next General Seſſions of the Peace, or until diſcharged by a due Courſe of Law; and it ſhall and may be lawful for two Juſtices (of whom the Juſtice who committed ſuch Offender to be one) to diſcharge ſuch Offender before the ſaid General Seſſions of the Peace, if they ſhall ſee Cauſe; and if he or ſhe ſhall not be ſo diſcharged, the ſaid General Seſſions of the Peace may either diſcharge him or her, or continue him or her in Cuſtody for ſuch Time as they ſhall ſee fit, not exceeding *ſix* Months.

Offenders, where the Fine and Manner of their Puniſhment is not limited by Law, to be committed until next Seſſions of the Peace;

But may be diſcharged by two Juſtices;

And Seſſions may diſcharge or continue ſuch Perſon for *ſix* Months.

III. *And be it further Enacted by the Authority aforeſaid*, That where any Offender againſt this Act ſhall be committed, as aforeſaid, to the Bridewell or Houſe of Correction, there to remain until the next General Seſſions of the Peace; and the Juſtices at ſuch Seſſions ſhall, on Examination of the Circumſtances of the Caſe, adjudge ſuch Perſon to be a diſorderly Perſon within the Intent and Meaning of this Act, they may, if they think convenient, order ſuch diſorderly Perſon to be detained and kept in the ſaid Bridewell or Houſe of Correction to hard Labour, for any further Time not exceeding *ſix* Months; and during the Time of ſuch Confinement, to be corrected by whipping, in ſuch Manner and at ſuch Times and Places, as, according to the Nature of ſuch Perſons Offence, they in their Diſcretion ſhall think fit.

Juſtices at the Seſſions, may adjudge Offenders committed to Bridewell, to be diſorderly Perſons, and detain them for *ſix* Months, and order them to be corrected.

IV. *And be it further Enacted by the Authority aforeſaid*, That where any Perſon offending againſt this Act, ſhall have been committed, as aforeſaid, to the Bridewell or Houſe of Correction, there to remain until the next General Seſſions of the Peace, if upon the Examination of the Perſon ſo committed as aforeſaid, the laſt legal Place of Settlement of ſuch Perſon cannot be found, the

Seſſions empowered to place out Offenders, as Servants, Apprentices, Mariners, or otherwiſe.

the Juſtice ſhall, at the ſaid General Seſſions, order ſuch Perſons to be detained and employed in the Bridewell, or Houſe of Correction, until they can provide for themſelves, or until the Juſtices of the Peace at their next General Seſſions of the Peace, can place them out in ſome lawful calling, as Servants, Apprentices, Mariners, or otherwiſe; which the ſaid General Seſſions of the Peace are hereby empowered to do, in ſuch Manner as they ſhall think fit.

Where there is no Bridewell, Goals to be uſed as Houſes of Correction, and the Gaolers to be Maſters thereof.

V. *And be it further Enacted by the Authority aforeſaid*, That the ſeveral Gaols in the reſpective Cities and Counties in this State, in which no Bridewell or Houſe of Correction, is or ſhall be built, ſhall be uſed and conſidered as Houſes of Correction for all or any of the Purpoſes in and by this Act directed, with Reſpect to Houſes of Correction, and the Government thereof, until there ſhall be ſuch Houſe or Houſes of Correction built as aforeſaid; and the Keepers of the reſpective Gaols, for the Time being, or ſuch Perſons as they reſpectively ſhall appoint, ſhall be Maſters or Keepers of ſuch Gaols as Houſes of Correction, as aforeſaid, and ſhall have the ſame Authority, and be under the ſame Regulations, as in this Act are before given and provided, reſpecting Houſes of Correction; and all and every Perſon and Perſons ordered to be ſent to a Houſe of Correction, according to this Act, ſhall be ſent to and received in ſuch Gaols reſpectively, and there be kept, taken Care of and governed, according to the Directions of this Act, until ſuch Houſe or Houſes of Correction ſhall be provided as aforeſaid.

Two Juſtices may order Lunatics, and mad Perſons, to be confined.

VI. And *whereas* there are ſometimes Perſons, who by Lunacy or otherwiſe, are furiouſly mad, or are ſo far diſordered in their Senſes that they may be dangerous to be permitted to go abroad; Therefore, *Be it further Enacted by the Authority aforeſaid*, That it ſhall and may be lawful for any two or more Juſtices of the Peace, where ſuch Lunatic or mad Perſon ſhall be found, by Warrant under their Hands and Seals, directed to the Conſtables and Overſeers of the Poor of the City or Town, or ſome of them, to cauſe ſuch Perſon to be apprehended, and kept ſafely locked up in ſome ſecure Place within ſuch City, or within the County in which ſuch Town ſhall lie, as ſuch Juſtices ſhall, under their Hands and Seals, direct and appoint; and, if ſuch Juſtices ſhall find it neceſſary, to be there chained, if the laſt legal Place of Settlement ſhall be in ſuch City, or in any Town within ſuch County; and if the laſt legal Place of Settlement of ſuch Perſon ſhall not be in ſuch City or County, then ſuch Perſon ſhall be ſent to the Place of of his or her laſt Settlement in the Manner directed in and by the Laws relating to the Poor, and ſhall be locked up or chained, by Warrant from two Juſtices of the City or County to which ſuch Perſon ſhall be ſo ſent in Manner aforeſaid; and the reaſonable Charges of apprehending, maintaining, keeping, and removing ſuch Perſon, ſhall be ſatisfied and paid by the Overſeers of the Poor of the City or Town in which ſuch Perſon ſhall be legally ſettled as aforeſaid, in the Manner in and by the ſaid Laws directed: *Provided always*, That this Act, or any Thing therein contained, ſhall not extend, or be conſtrued to extend to reſtrain or abridge the Power or Authority of the Chancellor of this State for the Time being, touching or concerning ſuch Lunatics; or to reſtrain or prevent any Friend or Relation of ſuch Lunatic, from taking them under their own Care and Protection.

This Act not to reſtrain the Chancellor's Power concerning Lunatics, or their Friends from taking Care of them.

VII. And *whereas* it often happens that diſorderly Perſons wander from the Places of their legal Settlement, and are in Circumſtances ſufficient to pay for their Paſſage or Journey home; Therefore, *Be it further Enacted by the Authority aforeſaid*, That it ſhall be lawful for any Juſtice or Juſtices of the Peace, before whom any ſuch diſorderly Perſon ſhall be brought, to order ſuch diſorderly Perſon to be ſearched, and his or her Bundle to be inſpected by

Diſorderly Perſons to pay the Expence of conveying them to the Place where they belong.

by a Conſtable, or Overſeer of the Poor of ſuch City or Town, in the Preſence of ſuch Juſtice; and if it ſhall appear that any ſuch diſorderly Perſon hath ſufficient wherewithal to pay his or her Paſſage or Journey, either in the Whole or in Part, to the City or Town to which he or ſhe ſhall belong, then the ſaid Juſtice or Juſtices ſhall order ſo much of the Money ſo found, to be paid, or other Effects found with and upon ſuch diſorderly Perſon, to be ſold and employed for and towards the Expence of taking up and paſſing ſuch diſorderly Perſon to his or her laſt legal Place of Settlement; returning the Overplus (if any there be) after deducting the Charges of ſuch Sale, to ſuch diſorderly Perſon.

CHAP. XXXII.

An ACT *concerning Amendments and Jeofails.*

Paſſed 20th February, 1788.

Miſtakes in Pleas, Records or Proceſs, how and when to be amended.

I. BE *it Enacted by the People of the State of* New-York, *repreſented in Senate and Aſſembly, and it is hereby Enacted by the Authority of the ſame,* That by the Miſpriſion of a Clerk, in any Place whereſoever it be, no Record or Proceſs ſhall be annulled or diſcontinued by miſtaking, in writing one Syllable or one Letter too much or two little: But as ſoon as the Thing is perceived, by Challenge of the Party, or in other Manner, it ſhall be immediately amended in due Form, without giving Advantage to the Party that challengeth the ſame, becauſe of ſuch Miſpriſion. And the Juſtices or Judges before whom ſuch Plea or Record is made, or ſhall be depending, as well by Adjournment as by Way of Error, or otherwiſe, ſhall have Power and Authority to amend ſuch Record and Proceſs, as well after Judgment as before Judgment given, in any ſuch Plea, Record or Proceſs, as long as the ſame Record and Proceſs is before them. *And further*, That the Judges and Juſtices of the Courts and Places, in which any Record, Proceſs, Declaration, Count, Plea, Warrant of Attorney, Writ, Panel or Return, is or may be, while the ſame remains before them, ſhall have Power to examine ſuch Records, Declarations, Counts, Pleas, Warrants of Attorney, Writs, Panels and Returns, by them and their Clerks, and to reform and amend (in Affirmance of the Judgments of ſuch Records and Proceſs) all that which to them, in their Diſcretion, ſhall ſeem to be Miſpriſion of the Clerks, in ſuch Record, Proceſs, Declaration, Count, Plea, Warrant of Attorney, Writ, Panel or Return, ſo that by ſuch Miſpriſion of the Clerk, no Judgment ſhall be reverſed nor annulled. And if any Record, Proceſs, Declaration, Count, Plea, Warrant of Attorney, Writ, Panel or Return, be certified defective, otherwiſe than according to the Writing which thereof remaineth in the Offices, Court or Places, from whence they be certified, the Parties, in Affirmance of the Judgments of ſuch Records and Proceſs, ſhall have Advantage to alledge that the ſame Writing is variant from the ſaid Certificate, and that being found and certified, the ſame Variance ſhall be, by the ſaid Judges or Juſtices, reformed and amended according to the firſt Writing. *And moreover*, That the Judges and Juſtices before whom any Miſpriſion or Default is or ſhall be found, in any Record or Proceſs which now is, or hereafter ſhall be depending before them, or any of them, as well by Way of Error as otherwiſe, or in the Returns of the ſame, made or to be made by Sheriffs, Coroners, or any other, by Miſpriſion of the Clerks of any of the ſaid Courts, or by Miſpriſion of the Sheriffs, Under Sheriffs, Coroners, or their Clerks, or other Officers, Clerks, or other Miniſters whatſoever, in writing one Letter or one Syllable too much or too little, ſhall have Power to amend ſuch Defaults and Miſpriſions, according to their Diſcretion; and by Examination thereof, by the ſaid Judges and Juſtices, to be taken where they ſhall think needful:

As well after Judgment as before.

Courts may order Miſpriſions of Clerks, to be amended.

Variance between a Record and the Certificate thereof to be amended.

Courts may order Miſpriſions of Clerks, Sheriffs and other Officers, to be amended.

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And alſo, That all ſuch Amendments may be made as well after a Judgment given upon *Verdict*, *Confeſſion*, *Nihil Dicit*, or *Non ſum Informatus*, as upon Matter of Law pleaded.

Judgment not to be reverſed for Raſures or Interlineations, &c.

II. *And be it further Enacted by the Authority aforeſaid*, That for Error aſſigned, or to be aſſigned, in any Record, Proceſs, Warrant of Attorney, Writ original or judicial, Panel or Return, for that in any Places of the ſame there be Raſures or Interlineations, or that there be any Addition, Subtraction or Diminution of Words, Letters or Titles, or Parcel of Letters found in any ſuch Record, Proceſs, Warrant of Attorney, Writ, Panel or Return, no Judgment or Record ſhall be reverſed or annulled.

Clerks not to alter Records in any Term after Judgment.

III. *And be it further Enacted by the Authority aforeſaid*, That the Record and Proceſs of Pleas, real and perſonal, and of Aſſiſes and Certifications, whereof Judgment is given and enrolled, or Things touching ſuch Plea, ſhall in no wiſe be amended nor impaired by new entering of the Clerks, either by the Record or Things certified, in no Term after that ſuch Judgment in ſuch Pleas is given and enrolled.

Proceedings to be in *Engliſh*,

IV. *And be it further Enacted by the Authority aforeſaid*, That all Pleas which ſhall be pleaded in any Courts whatſoever in this State, ſhall be pleaded, ſhewed, defended, anſwered, debated, judged, entered and enrolled in the *Engliſh* Tongue; and that all Writs, Proceſs and Returns thereof, and all Proceedings thereon, and all Pleadings, Rules, Orders, Indictments, Informations, Inquiſitions, Preſentments, Verdicts, Prohibitions, Certificates, and all Patents, Charters, Pardons, Commiſſions, Records, Judgments, Recognizances, Bonds, Rolls, Entries, Fines and Recoveries, and all Proceedings relating thereunto, and all Proceedings whatſoever, in any Courts of Juſtice in this State, ſhall be in the *Engliſh* Tongue and Language only, and ſhall be written or printed in a good ſtrong legible Hand and Character, and in Words at length, and not abbreviated, except ſuch Abreviations as are now commonly uſed in the *Engliſh* Language. But it ſhall and may be lawful to expreſs Numbers by Figures, in like Manner as hath been heretofore, or is now commonly uſed in the ſaid Courts reſpectively, and to expreſs the proper and known Names of Writs or other Proceſs, or technical Words in the ſame Language as hath been commonly uſed, ſo as the ſame be written or printed in a common legible Hand or Character.

Except Names of Writs and technical Words.

No Perſons to be prejudiced by ancient Terms and Forms.

V. *And be it further Enacted by the Authority aforeſaid*, That no Perſon ſhall be prejudiced by the ancient Terms and Forms of Pleaders, ſo that the Matter of the Action be fully ſhewed in the Writ, Declaration and Pleadings.

After Verdict, Judgment not to be reverſed for any miſpleading, inſufficient pleading or Jeofail, &c.

VI. *And be it further Enacted by the Authority aforeſaid*, That if any Iſſue hath been or hereafter ſhall be tried, by the Oath of *twelve* Men or more, for the Party Plaintiff or Demandant, or for the Party Tenant or Defendant, Bailiff in Aſſiſe, Vouchee, Prayee-in-Aid, or Tenant by Receipt, in any Manner of Action, Suit, Bill, Plaint or Demand, in any Court of Record, then the Judges or Juſtices by whom Judgment thereof ought to be given, ſhall proceed and give Judgment in the ſame, any Miſpleading, Lack of Colour, inſufficient Pleading, or Jeofail; any Miſcontinuance or Diſcontinuance, or miſconceiving of Proceſs, misjoining of the Iſſue, Lack of Warrant of Attorney of the Party againſt whom the Iſſue ſhall happen to be tried, or any other Default or Negligence of any of the Parties, or of their Counſellors or Attornies, had or made to the Contrary, notwithſtanding. And the Judgments thereof ſo to be had and given, ſhall ſtand in full Strength and Force, to all Intents and Purpoſes, according to the ſaid Verdict, without any reverſal or undoing of the ſame by Writ of Error, or otherwiſe, in like Form

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Or for Want of Form,

Or for Variance in Form, or Want of Averments, inſufficient Suggeſtions, miſnaming of Jurors, &c.

as though no ſuch Default or Negligence had ever been had or committed. *And further*, That if any Verdict of *twelve* Men, or more, hath been or ſhall be given in any Action, Suit, Bill, Plaint or Demand, in any Court of Record, the Judgment thereupon ſhall not be ſtayed or reverſed, by Reaſon of any Default in Form, or Lack of Form, touching Variance from the Regiſter, or other Defaults in Form, in any Writ original or judicial, Count, Declaration, Plaint, Bill, Suit or Demand, or for Want of any Writ, original or judicial, or by Reaſon of any imperfect or inſufficient Return of any Sheriff or other Officer, or for Want of any Warrant of Attorney, or by Reaſon of any Manner of Default in Proceſs upon or after any Aid-Prayer, or Voucher; nor ſhall any ſuch Record or Judgment, after Verdict, be reverſed for any of the Defects or Cauſes aforeſaid. *And moreover*, That if any Verdict of *twelve* Men, or more, hath been or hereafter ſhall be given for the Plaintiff or Demandant, or for the Defendant or Tenant, Bailiff in Aſſiſe, Vouchee, Prayee-in-Aid, or Tenant by Receipt, in any Action, Suit, Bill, Plaint or Demand, in any Court of Record, the Judgment thereupon ſhall not be ſtayed or reverſed, by Reaſon of any Variance in Form only, between the original Writ or Bill, and the Declaration, Plaint or Demand; or for Lack of any Averment of any Life or Lives of any Perſon or Perſons, ſo as, upon Examination, the ſaid Perſon be proved to be in Life; or by Reaſon that the *Venire Facias*, *Habeas Corpora*, or *Diſtringas*, is awarded to a wrong Officer, upon any inſufficient Suggeſtion, or by Reaſon that any of the Jury which tried the ſaid Iſſue, is miſnamed, either in the Chriſtain Name, Sirname, or Addition, in any of the ſaid Writs, or in any Return upon any of the ſaid Writs, ſo as, upon Examination, it be proved to be the ſame Man who was meant to be returned; or by Reaſon that there is no Return upon any of the ſaid Writs, ſo as a Panel of the Names of the Jurors, be returned and annexed to the ſaid Writ or Writs; or for that the Sheriff's Name, or other Officer's Name having the Return thereof, is not ſet to the Return of any ſuch Writ, ſo as, upon Examination, it be proved that the ſaid Writ was returned by the Sheriff or Under Sheriff, or any ſuch other Officer; or by Reaſon that the Plaintiff in any Action of Ejectment, or in any perſonal Action or Suit, (being an Infant under the Age of Twenty-one Years) did appear by Attorney therein, and the Verdict paſs for him or her; and alſo, that if any Verdict of *twelve* Men or more, hath been or ſhall be given in any Action, Suit, Bill, Plaint or Demand, in any Court of Record, the Judgment thereupon ſhall not be ſtayed or reverſed for Default in Form or Lack of Form, or by Reaſon that there are no Pledges, or but one Pledge to proſecute, returned upon the original Writ; or becauſe the Name of the Sheriff is not returned upon ſuch original Writ, or for Default of entering Pledges upon any Bill or Declaration; or for Default of alledging the bringing into Court any Bond, Bill, Indenture or other Deed whatſoever, mentioned in the Declaration or other Pleading; or for Default of alledging the bringing into Court Letters Teſtamentary, or Letters of Adminiſtration, or by Reaſon of the Omiſſion of the Words, *with Force and Arms*, or, *againſt the Peace*, or for or by Reaſon of the miſtaking of the Chriſtian Name or Sirname of the Plaintiff or Defendant, Demandant or Tenant, Sum or Sums of Money, Day, Month or Year, by the Clerk in any Bill, Declaration or Pleading, where the right Name, Sirname, Sum, Day, Month or Year, in any Writ, Plaint, Roll or Record preceding, or in the ſame Roll or Record where the Miſtake is committed, is or are once truly and rightly alledged, and to which the Party might have demurred and ſhewn the ſame for Cauſe; nor for Want of the Averment or Words, *and this he is ready to verify*, or, *and this he is ready to verify by the Record*, or for not alledging, *as appears by the Record*, or for that there is no right Venue, ſo as the Cauſe was tried by a Jury of the proper County or Place where the Action is laid; nor ſhall any Judgment after Verdict be reverſed for Want of entering, that the Perſon againſt whom

ſuch

ſuch Judgment is given, *be in Mercy*, or, *be taken*, or by Reaſon that the Words *be taken*, are entered for, *be in Mercy*, or the Words, *be in Mercy*, are entered for, *be taken;* nor for that in the Judgment the Words, *it is granted*, are entered for, *it is conſidered;* nor for that the Increaſe of Coſts after a Verdict in any Action, or upon a Nonſuit in Replevin, are not entered to be at the Requeſt of the Party for whom the Judgment is given; nor by Reaſon that the Coſts in any Judgment whatſoever, are not entered to be by the Conſent of the Plaintiff; but that all ſuch Omiſſions, Variances, Defects, and all other Matters of like Nature, not being againſt the Right of the Matter of the Suit, nor whereby the Iſſue or Trial are altered, ſhall be amended by the Juſtices, or other Judges of the Courts where ſuch Judgments are or ſhall be given, or whereunto the Record is or ſhall be removed by Writ of Error.

On Demurrer, Court to give Judgment as the Right of the Cauſe ſhall appear, without regarding Want of Form not ſpecially ſhewn as Cauſe of Demurrer.

VII. *And be it further Enacted by the Authority aforeſaid*, That where any Demurrer hath been, or ſhall be joined and entered in any Action or Suit in any Court of Record in this State, the Judges or Juſtices ſhall proceed and give Judgment, according as the very Right of the Cauſe and Matter in Law ſhall appear unto them, without regarding any Imperfection, Omiſſion, Defect or Want of Form, in any Writ, Return, Plaint, Declaration, or other Pleading, Proceſs, or Courſe of Proceeding whatſoever, except thoſe only which the Party demurring ſhall ſpecially and particularly ſet down and expreſs, together with his Demurrer, as Cauſes of the ſame, notwithſtanding that ſuch Imperfection, Omiſſion or Defect might have heretofore been taken to be Matter of Subſtance, ſo as ſufficient Matter appear in the Pleadings, upon which the Court may give Judgment according to the very Right of the Cauſe; and therefore no Advantage or Exception ſhall be taken of, or for an immaterial Traverſe, or of or for the Default of entering Pledges upon any Bill or Declaration, or of or for the Default of alledging the bringing into Court any Bond, Bill, Indenture, or other Deed whatſoever, mentioned in the Declaration or other Pleading, or of or for the Default of alledging the bringing into Court Letters Teſtamentary, or Letters of Adminiſtration, or of or for the Omiſſion of the Words, *with Force and Arms*, or, *againſt the Peace*, or either of them; or of or for Want of the Averment or Words, *and this he is ready to verify*, or, *and this he is ready to verify by the Record;* or of or for not alledging, *as appears by the Record;* but the Court ſhall give Judgment according to the very Right of the Cauſe as aforeſaid, without regarding any ſuch Imperfections, Omiſſions or Defects, or any other Matter of like Nature, except the ſame ſhall be ſpecially and particularly ſet down and ſhewn for Cauſe of Demurrer, and that no Judgment ſhall be reverſed by any Writ of Error for any ſuch Imperfection, Omiſſion, Defect or Want of Form as is aforeſaid, except ſuch only as are before excepted. *And further*, That after Demurrers joined, the Court where the ſame are or ſhall be depending, ſhall and may, by Virtue of this Act, from Time to Time, amend all and every ſuch Imperfections, Omiſſions, Defects and Want of Form as are before mentioned, other than thoſe only which the Party demurring ſhall ſpecially and particularly expreſs and ſet down, together with his Demurrer, as aforeſaid.

What ſhall be adjudged *Form*.

This Act to extend to Judgments on *Confeſſion*, *Nihil Dicit*, or *non ſum Informatus*.

VIII. *And be it further Enacted by the Authority aforeſaid*, That every Thing herein before contained, ſhall extend to all Judgments which have been or ſhall be entered upon *Confeſſion*, *Nihil Dicit*, or, *non ſum Informatus*, in any Court of Record; and no ſuch Judgment ſhall be reverſed, nor any Judgment upon any Writ of Enquiry of Damages executed thereon, be ſtayed or reverſed, for or by Reaſon of any Imperfection, Omiſſion, Defect, Matter or Thing whatſoever, which would have been aided and cured by this Act, in Caſe a Verdict of *twelve* Men had been given in the ſaid Action or Suit, ſo as there be an original Writ or Bill duly filed according to Law.

IX. *And*

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Variance in Writs of Error from the original Record, to be amended.

Judgment after Verdict not to be reverſed for Want of Form in any Bill or Writ.

IX. *And be it further Enacted by the Authority aforeſaid*, That all Writs of Error wherein there ſhall be any Variance from the original Record, or other Defect, may and ſhall be amended, and made agreeable to ſuch Record, by the reſpective Courts where ſuch Writ or Writs of Error are or ſhall be made returnable. And that where any Verdict hath been or ſhall be given in any Action, Suit, Bill, Plaint or Demand, in any Court of Record, the Judgment thereupon ſhall not be ſtayed or reverſed for any Defect or Fault, either in Form or Subſtance, in any Bill, Writ original or judicial, or for any Variance in ſuch Writs from the Declaration or other Proceedings.

This Act to extend to Suits for Debts due to the State, and Writs of Mandamus and *Quo Warrantos*.

X. *And be it further Enacted by the Authority aforeſaid*, That this Act ſhall extend to all Suits in any Court of Record, for the Recovery of any Debt due to the People of this State, or for any Debt, Duty or Revenue belonging to them; and alſo to all Writs of Mandamus and Informations, in the Nature of a *Quo Warranto*, and to the Proceedings thereon.

But not to extend to criminal Proceedings, nor popular Actions, nor Outlawries.

XI. *Provided always, and be it further Enacted by the Authority aforeſaid*, That this Act, or any Thing therein contained, ſhall not extend to any Writ, Declaration or Suit of Appeal of Felony or Murder, nor to any Indictment or Preſentment of Felony, Murder, Treaſon, or other Matter, nor to any Proceſs upon any of them; nor to any Writ, Bill, Action or Information, upon any popular or penal Statute; nor to any Outlawry or any Proceſs thereupon, or in Order thereunto.

CHAP. XXXIII.

An ACT *for giving Relief on Promiſſory Notes.*

Paſſed 20th February, 1788.

Promiſſory Notes to be good,

BE *it Enacted by the People of the State of* New-York, *repreſented in Senate and Aſſembly, and it is hereby Enacted by the Authority of the ſame*, That all Notes in Writing already made, or hereafter to be made and ſigned by any Perſon or Peſons, or by the Factor or Agent of any Merchant or Trader, who is uſually intruſted by him, her or them, to ſign ſuch Promiſſory Note for him, her or them, whereby ſuch Perſon or Perſons, his, her or their Factor or Agent, as aforeſaid, doth or ſhall promiſe to pay to any other Perſon or Perſons, Body Politic or Corporate, his, her or their Order, or unto Bearer, any Sum of Money mentioned in ſuch Note, ſhall be taken and conſtrued to be, by Virtue thereof, due and payable to any ſuch Perſon or Perſons, Body Politic or Corporate, to whom the ſame is or ſhall be made payable; and alſo every ſuch Note, payable to any Perſon or Perſons, Body Politic or Corporate, his, her or their Order, ſhall be aſſignable or indorſeable over to any other Perſon or Perſons, Body Politic or Corporate; and that the Perſon or Perſons, Body Politic or Corporate, to whom ſuch Sum of Money is or ſhall be, by ſuch Note, made payable, ſhall and may maintain an Action for, and recover the Money made payable by ſuch Note againſt the Perſon or Perſons who, or whoſe Factor or Agent as aforeſaid, ſigned the ſame; and that any Perſon or Perſons, Body Politic or Corporate, to whom ſuch Note that is payable to any Perſon or Perſons, Body Politic or Corporate, his, her or their Order, is or ſhall be indorſed or aſſigned, or the Money therein mentioned, ordered to be paid by Indorſement thereon, ſhall and may maintain his, her or their Action for ſuch Sum of Money, either againſt the Perſon or Perſons who, or whoſe Factor or Agent as aforeſaid, ſigned ſuch Note, or againſt any of the Perſons who indorſed the ſame; and in every ſuch Action the Plaintiff or Plaintiffs ſhall recover his, her or their Damages and Coſts of Suit: And if ſuch Plaintiff or Plaintiffs ſhall be nonſuited, or a Verdict

And if payable to Order, may be aſſigned, and Indorſee may maintain any Action thereon againſt the Drawer,

Or againſt the Indorſer.

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Verdict be given againſt him, her or them, the Defendant or Defendants ſhall recover his, her or their Coſts againſt the Plaintiff or Plaintiffs; and every ſuch Plaintiff or Plaintiffs, or Defendant or Defendants, reſpectively recovering, may ſue out Execution for ſuch Damages and Coſts, by *Capias ad Satisfaciendum*, or *Fieri Facias*, as is uſual in other Caſes.

CHAP. XXXIV.

An ACT *for preventing any Inconveniencies that may happen by Privilege.*
Paſſed 20th February, 1788.

I. BE *it Enacted by the People of the State of* New-York, *repreſented in Senate and Aſſembly, and it is hereby Enacted by the Authority of the ſame,* That from and after the Paſſing of this Act, any Perſon or Perſons ſhall and may commence and proſecute any Action or Suit in any Court of Record in this State, againſt any Senator or Member of Aſſembly for the Time being, or againſt their or any of their Servants, or any other Perſon entitled to the Privilege of either Houſe of the Legiſlature, at any Time from and immediately after the Prorogation or Adjournment of the Legiſlature, until a new Legiſlature ſhall meet, or the ſame be re-aſſembled; and from and immediately after any Adjournment of both Houſes of the Legiſlature for above the Space of *fourteen* Days, until both Houſes ſhall meet or re-aſſemble; and that the ſaid reſpective Courts of Record ſhall and may, after ſuch Prorogation or Adjournment as aforeſaid, proceed to give Judgment, or to make final Orders, Decrees and Sentences, and award Execution thereupon, as ſuch Court may now lawfully do againſt other Perſons, liable to be arreſted and impriſoned; any Law, Uſage or Cuſtom to the Contrary thereof notwithſtanding. *Provided always*, That no Member of the Legiſlature, or his Servant or Servants, ſhall be liable to arreſt, on any civil Proceſs, while coming to, or returning from the Place where the Legiſlature ſhall ſit, to the Place of ſuch Member's Reſidence, but ſuch Time of coming or returning, ſhall not exceed *fourteen* Days.

When Members, &c. of the Legiſlature, may be ſued.

II. *And be it further Enacted by the Authority aforeſaid,* That where any Plaintiff or Plaintiffs ſhall, by Reaſon or Occaſion of any Privilege of either Houſe of the Legiſlature, be ſtayed or prevented from proſecuting any Suit by him, her or them commenced, ſuch Plaintiff or Plaintiffs ſhall not be barred by any Statute of Limitation, or nonſuited, diſmiſſed, nor his, her or their Suit diſcontinued for Want of Proſecution of the Suit, by him, her or them begun; but may, after the Time aforeſaid, be at Liberty to proceed to Judgment and Execution thereupon, as aforeſaid.

Plaintiffs delayed by Privilege, not to be barred by Statute of Limitations.

III. AND *whereas* it is juſt and reaſonable, that Perſons employed in Offices and Places of public Truſt, ſhould at all Times be accountable for any Miſdemeanors therein, and the public Juſtice of the State requireth a vigorous Proſecution of ſuch Offenders; Therefore, *Be it further Enacted by the Authority aforeſaid*, That any Action or Suit ſhall and may be commenced, and proſecuted in any Court of Record in this State, againſt any Officer or Perſon intruſted or employed in the Revenue of this State, or any Part or Branch thereof, or in any other Office or Place of public Truſt, for any Forfeiture, Miſdemeanor or Breach of Truſt, of, in or relating to ſuch Office or Place of Truſt, or any Penalty impoſed by Law to enforce the due Execution thereof; and that no ſuch Action, Suit, or any other Proceſs, Proceeding, Judgment or Execution thereupon, although ſuch Officer or Perſon ſhall be a Member of the Senate or Aſſembly, ſhall be impeached, ſtayed or delayed, by or under Colour or Pretence of any Privilege of either Houſe of the Legiſlature.

Officers in the Revenue, or in any public Truſt, may be proſecuted for any Forfeiture, or Breach of Truſt, and ſhall not be allowed Privilege, tho' Members of the Legiſlature.

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CHAP. XXXV.

An ACT *to prevent exceſſive and deceitful Gaming.*

Paſſed 20th February, 1788.

WHEREAS the Laws now in Force, for preventing the Miſchiefs which happen by Gaming, have been found inſufficient; For Remedy whereof,

All Notes, Bills, Bonds, Mortgages and Securities for Money, &c. won by Gaming, or betting on Games, to be void.

I. *Be it Enacted by the People of the State of* New-York, *repreſented in Senate and Aſſembly, and it is hereby Enacted by the Authority of the ſame,* That all Notes, Bills, Bonds, Judgments, Mortgages, or other Securities or Conveyances whatſoever, given, granted, drawn or entered into, or executed by any Perſon or Perſons whatſoever, where the Whole, or any Part of the Conſideration of ſuch Notes, Bills, Bonds, Judgments, Mortgages, or other Securities or Conveyances, ſhall be for any Money or other valuable Thing or Things whatſoever, won by Gaming or playing at Cards, Dice, Tables, Billiards, Tennis, Bowls, Shuffle-Board, or other Game or Games whatſoever; or by betting on the Sides or Hands of ſuch as do play at any of the Games aforeſaid; or for the reimburſing or repaying any Money knowingly lent or advanced for ſuch gaming or betting as aforeſaid, or lent or advanced at the Time and Place of ſuch Play, to any Perſon or Perſons ſo gaming or betting as aforeſaid; or that ſhall, during ſuch Play, ſo play or bet, ſhall be utterly void, fruſtrate, and of none Effect, to all Intents and Purpoſes whatſoever; any Law or Uſage to the Contrary thereof in any wiſe notwithſtanding. And that where ſuch Mortgages, Securities or other Conveyances, ſhall be of Lands, Tenements or Hereditaments, or ſhall be ſuch as incumber or affect the ſame, ſuch Mortgages, Securities or other Conveyances ſhall enure, and be to, and for the ſole Uſe and Benefit of, and ſhall devolve upon ſuch Perſon or Perſons as ſhould or might have, or be entitled to ſuch Lands, Tenements or Hereditaments, in Caſe the Grantor or Grantors thereof, or other Perſon or Perſons ſo incumbering the ſame, had been naturally dead; and as if ſuch Mortgages, Securities or other Conveyances, had been made to ſuch Perſon or Perſons, ſo to be entitled after the Deceaſe of the Perſon or Perſons ſo incumbering the ſame; and that all Grants and Conveyances to be made for the preventing of ſuch Lands, Tenements or Hereditaments, from coming to or devolving upon ſuch Perſon or Perſons hereby intended to enjoy the ſame as aforeſaid, ſhall be deemed fraudulent and void, and of none Effect, to all Intents and Purpoſes whatſoever.

And ſuch Mortgages and Conveyances of Lands, to enure to ſuch Perſons as would be entitled to the Lands if the Grantor were dead.

Any Perſon loſing Money, or other Things to the Value of 10l. by Gaming, may recover the ſame by Suit, from the Winner.

II. *And be it further Enacted by the Authority aforeſaid,* That any Perſon or Perſons whatſoever, who ſhall, at any Time or Sitting, by playing at Cards, Dice, Tables, Billiards, Tennis, Bowls, Shuffle-Board, or other Game or Games whatſoever, or by betting on the Sides or Hands of ſuch as do play at any of the Games aforeſaid, loſe to any one or more Perſon or Perſons ſo playing or betting, in the Whole, the Sum of *Ten Pounds* in Money, or any other Thing or Things of the Value of *Ten Pounds*, or in Money, and any other Thing or Things to the Amount of *Ten Pounds*, lawful Money of this State, and ſhall pay or deliver the ſame, or any Part thereof, it ſhall and may be lawful for the Perſon or Perſons ſo loſing and paying or delivering the ſame Money and other Thing or Things, or either of them, within *three* Months next thereafter, to ſue for and recover the Money or Value of the Thing or Things ſo loſt and paid, or delivered, or any Part thereof, from the reſpective Winner or Winners thereof, with Coſts of Suit, by Action of Debt founded on this Act, in any Court of Record within this State, having Cognizance of the ſame; in which Actions it ſhall be ſufficient for the Plaintiff or Plaintiffs to alledge in his, her or their Declaration, that the Defendant or Defendants is or are indebted to the Plaintiff or Plaintiffs, in the Monies ſo loſt and paid,

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or in the Amount or Value of the Thing or Things ſo loſt and delivered, for ſo much Money had and received by ſuch Defendant or Defendants, to the Plaintiff's Uſe, whereby an Action hath accrued to the Plaintiff or Plaintiffs, according to the Form of this Act, without ſetting forth the ſpecial Matter: And in Caſe the Perſon or Perſons who ſhall loſe ſuch Money, or other Thing or Things as aforeſaid, ſhall not, within the Time aforeſaid, really and *bona Fide*, and without Covin or Colluſion, ſue and proſecute, with Effect, for the Money, or other Thing or Things ſo by him or them loſt and paid, or delivered as aforeſaid, it ſhall and may be lawful for any Perſon or Perſons, by any ſuch Action or Suit as aforeſaid, to ſue for and recover the ſame, and treble the Amount or Value thereof, with Coſts of Suit, againſt ſuch Winner or Winners as aforeſaid; the one Moiety of ſuch Forfeiture, when recovered, to be paid to the Overſeers of the Poor of the City or Town in which ſuch Offence ſhall be committed, and the other Moiety to the Perſon or Perſons who will ſue for the ſame.

The Loſer not proſecuting in 3 Months, any other Perſon may proſecute.

III. And for the better Diſcovery of the Monies, or other Thing or Things ſo won, and to be ſued for and recovered as aforeſaid; *Be it further Enacted by the Authority aforeſaid*, That all and every Perſon or Perſons, who, by Virtue of this Act, ſhall or may be liable to be ſued for the ſame, ſhall be obliged and compellable to anſwer, upon Oath, ſuch Bill or Bills as ſhall be exhibited and filed in any Court of Equity, againſt him or them, for diſcovering the Sum and Sums of Money, or other Thing or Things ſo won at Play as aforeſaid, contrary to the true Intent and Meaning of this Act. And it ſhall and may be lawful for ſuch Court in which ſuch Bill ſhall be brought, exhibited and filed, to proceed and decree thereupon, and enforce ſuch Decree or Decrees as ſhall be made in Purſuance thereof, in the ſame Manner as is practiſed and uſed in other Cauſes, upon Bills and Anſwers depending in the Courts where ſuch Bill ſhall be ſo brought, exhibited and filed.

Perſons liable to be ſued, obliged to anſwer Bills in Equity, on Oath.

IV. *Provided always, and be it further Enacted by the Authority aforeſaid*, That upon the Diſcovery and Re-Payment, or Re-Delivery of the Money, or other Thing or Things ſo to be diſcovered and repaid, or re-delivered as aforeſaid, the Perſon or Perſons who ſhall ſo diſcover and repay, or re-deliver the ſame as aforeſaid, ſhall be acquitted, indemnified and diſcharged from any further or other Puniſhment, Forfeiture or Penalty, which he, ſhe or they may have incurred by the playing for or winning ſuch Money, or other Thing or Things, ſo diſcovered and repaid, or re-delivered as aforeſaid; any former Law, or any Thing in this Act contained to the Contrary thereof in any wiſe notwithſtanding.

Perſons diſcovering and paying, diſcharged from further Puniſhment or Penalty.

V. *And be it further Enacted by the Authority aforeſaid*, That if any Perſon or Perſons whatſoever, do or ſhall, by any Fraud or Shift, Couſenage, Circumvention, Deceit, or unlawful Device or ill Practice whatſoever, in playing at or with Cards, Dice, or any of the Games aforeſaid, or in or by bearing a Share or Part in the Stakes, Wagers or Adventures in, or betting on the Sides or Hands of ſuch as do or ſhall play as aforeſaid, win, obtain or acquire to him or themſelves, or to any other or others, any Sum or Sums of Money, or other valuable Thing or Things whatſoever; or ſhall, at any one Time or Sitting, win of any one or more Perſon or Peaſons whatſoever, above the Sum or Value of *Ten Pounds*, that then every Perſon or Perſons ſo winning by ſuch ill Practice as aforeſaid, or winning at any one Time or Sitting, above the Sum or Value of *Ten Pounds*; and being convicted of any of the ſaid Offences, upon any Indictment or Information to be exhibited againſt him, her or them, for that Purpoſe, ſhall forfeit five Times the Value of the Sum or Sums of Money, or other Thing or Things ſo won as aforeſaid; and in Caſe of ſuch ill Practice as aforeſaid, the Perſon or Perſons ſo winning as aforeſaid,

Perſons winning by Fraud, Deceit, &c. any Sum of Money, or other Thing,

Or winning at one Sitting above 10l. to forfeit five Times the Value.

Winners by Fraud or Deceit, deemed infamous, and to ſuffer corporal Puniſhment.

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aforeſaid, ſhall be deemed infamous, and ſuffer ſuch corporal Puniſhment as in Cases of wilful and corrupt Perjury; and ſuch Penalty ſhall and may be recovered by any Perſon or Perſons who ſhall ſue for the ſame, in Manner aforeſaid; and when recovered, ſhall be appropriated as herein above directed.

Penalty how to be recovered.

Perſons winning or loſing 10l. at a Time, or 20l. in 24 Hours, may be indicted, and fined five Times the Value.

VI. *And be it further Enacted by the Authority aforeſaid*, That if any Perſon ſhall win or loſe at Play, or by betting, at any Time, the Sum or Value of *Ten Pounds*, or upwards; or within the Space of Twenty-four Hours, the Sum or Value of *Twenty Pounds*, ſuch Perſon ſhall be liable to be indicted for ſuch Offence, at any Time within *one* Year after it is committed, either in the Supreme Court, or in any Court of Oyer and Terminer or Gaol Delivery; and being thereof legally convicted, ſhall be fined five Times the Value of the Sum ſo loſt or won; which Fine (after ſuch Charges as the Court ſhall judge reaſonable to allow to the Proſecutors and Witneſſes out of the ſame) ſhall be paid to the Overſeers of the Poor of the City or Town where ſuch Offence ſhall be committed, for the Uſe of the Poor thereof.

How to be applied.

Offenders ſhall be indemnified on diſcovering others.

VII. *Provided always, and be it further Enacted by the Authority aforeſaid*, That if any Perſon ſo offending, ſhall diſcover any other Perſon ſo offending, ſo that ſuch Perſon be thereupon convicted, the Perſon ſo diſcovering, ſhall be diſcharged and indemnified from all Penalties, by Reaſon of any ſuch Offence, if ſuch Perſon ſo diſcovering hath not been before convicted thereof, and he ſhall be admitted as an Evidence to prove the ſame.

None but Parties incapacitated from being a Witneſs.

VIII. *And be it further Enacted by the Authority aforeſaid*, That no Perſon or Perſons, others than the Parties, Plaintiff or Defendant in the Cauſe, ſhall be incapacitated from being a Witneſs, touching any Offence committed againſt this Act, by Reaſon of having played, betted or ſtaked at any Game prohibited by this Act.

Juſtices may bind to the good Behaviour Perſons who ſupport themſelves by Gaming.

IX. AND *whereas* divers lewd and diſſolute Perſons live at great Expences, having no viſible Eſtate, Profeſſion or Calling, to maintain themſelves, but ſupport thoſe Expences by Gaming only; Therefore, *Be it further Enacted by the Authority aforeſaid*, That it ſhall and may be lawful for any two or more Juſtices of the Peace, in any City or County within this State, to cauſe to come or be brought before them, every Perſon within their reſpective Cities or Counties, whom they ſhall have juſt Cauſe to ſuſpect to have no viſible Eſtate, Profeſſion or Calling, to maintain themſelves by, but who do, for the moſt Part, ſupport themſelves by Gaming; and if ſuch Perſon or Perſons ſhall not make it appear to ſuch Juſtices, that the principal Part of his or their Expences are not maintained by Gaming, that then ſuch Juſtices ſhall require of him or them, ſufficient Sureties for his or their good Behaviour for the Space of *twelve* Months; and in Default of his or their finding ſuch Sureties, to commit him or them to the common Gaol of the City or County, there to remain until he or they ſhall find ſuch Sureties as aforeſaid.

Perſons ſo bound playing for above 20s. forfeit their Recognizance.

X. *And be it further Enacted by the Authority aforeſaid*, That if ſuch Perſon or Perſons ſo finding Sureties as aforeſaid, ſhall, during the Time for which he or ſhe ſhall be ſo bound to the good Behaviour, at any one Time or Sitting, play or bet for any Sum or Sums of Money, or other Thing, exceeding in the Whole the Sum or Value of *Twenty Shillings*, that then ſuch playing ſhall be deemed or taken to be a Breach of his, her or their good Behaviour, and a Forfeiture of the Recognizance given for the ſame.

CHAP.

CHAP. XXXVI.

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An ACT *concerning Diſtreſſes, and for the better Security and more eaſy Recovery of Rents and Renewal of Leaſes, and to prevent Frauds by Tenants.*
Paſſed 21ſt February, 1788.

I. BE *it Enacted by the People of the State of* New-York, *repreſented in Senate and Aſſembly, and it is hereby Enacted by the Authority of the ſame,* That all Diſtreſſes made or taken for any Cauſe whatſoever, ſhall be reaſonable, and not too great; and whoſoever ſhall take great and unreaſonable Diſtreſſes, ſhall be puniſhed by Fine for the Exceſs of ſuch Diſtreſſes, and ſhall anſwer the Damages to the Party aggrieved.

Diſtreſſes to be reaſonable; if otherwiſe, Party to be puniſhed by Fine, and anſwer the Damages.

II. *And be it further Enacted by the Authority aforeſaid,* That no Perſon ſhall take any Diſtreſs wrongfully, or diſtrain in the Highway or common Street, or cauſe any Diſtreſs that he or ſhe ſhall take, to be driven out of the County where it ſhall be taken; and every Perſon who ſhall do ſo, of his or her own Authority, and without Judgment, ſhall be puniſhed by Fine, as for a Thing done againſt the Peace, and ſhall anſwer the Damages to the Party aggrieved.

No Diſtreſs to be taken wrongfully, or in the Highway, or to be driven out of the County, on Pain of Fine and Damages.

III. *And be it further Enacted by the Authority aforeſaid,* That no Perſon ſhall be diſtrained for any Cauſe whatſoever, by his or her Beaſts of the Plough, or Sheep, or by the Implements of his or her Trade, but until other Diſtreſs or Chattels whereof the Debt may be levied, or ſufficient for the Demand, can be found, (except the diſtraining and impounding Beaſts found on the Ground of any Perſon Damage feaſant, according to the Cuſtom of this State.)

Beaſts of the Plough, Sheep, & Implements of Trade, not to be diſtrained while there is other Diſtreſs.

IV. *And be it further Enacted by the Authority aforeſaid,* That when any Beaſts are diſtrained for any Cauſe whatſoever, they ſhall be put in open Pound, in the ſame County where they ſhall be taken; and they to whom the Beaſts do belong, may give them their Feeding without Diſturbance, ſo long as they ſhall be impounded.

Beaſts diſtrained to be put in open Pound.

V. *And be it further Enacted by the Authority aforeſaid,* That where any Goods or Chattels ſhall be diſtrained for any Rent reſerved and due upon any Demiſe, Leaſe, or Contract whatſoever, and the Tenant or Owner of the Goods ſo diſtrained, ſhall not, within *five* Days next after ſuch Diſtreſs taken, and Notice thereof, (with the Cauſe of ſuch taking) left at the chief Manſion Houſe, or other moſt notorious Place on the Premiſes, charged with the Rent diſtrained for, replevy the ſame, with ſufficient Security to be given to the Sheriff according to Law; that then, in ſuch Caſe, after ſuch Diſtreſs and Notice as aforeſaid, and Expiration of the ſaid *five* Days, the Perſon diſtraining ſhall and may, with the Sheriff or Under Sheriff of the County, or with the Conſtable, or other Officer of the Town or Place where ſuch Diſtreſs ſhall be taken, (who are hereby required to be aiding and aſſiſting therein) cauſe the Goods and Chattels ſo diſtrained, to be appraiſed by two ſworn Appraiſers, (whom ſuch Sheriff, Under Sheriff, Conſtable, or other Officer as aforeſaid, are hereby empowered to ſummon for that Service, and to ſwear well and truly to appraiſe the ſame, according to the Beſt of their Underſtanding) and after ſuch Appraiſement, ſhall and may lawfully ſell at public Vendue, the Goods and Chattels ſo diſtrained, for the beſt Price that can be gotten for the ſame, (giving *three* Days public Notice) towards Satisfaction of the Rent for which the ſaid Goods and Chattels ſhall be diſtrained, and of the Charges of ſuch Diſtreſs, Appraiſement and Sale; leaving the Overplus, (if any) in the Hands of the ſaid Sheriff, Under Sheriff, Conſtable or Officer, for the Owner's Uſe.

Goods diſtrained for Rent, may be appraiſed and ſold.

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Corn or Hay may be diſtrained for Rent.

VI. *And be it further Enacted by the Authority aforeſaid*, That it ſhall be lawful for any Perſon or Perſons having Rent in Arrear, and due upon any ſuch Demiſe, Leaſe or Contract as aforeſaid, to ſeize and ſecure any Sheaves or Cocks of Corn, or Corn looſe, or in the Straw, or Hay lying or being in any Barn or Granary, or upon any Hovel, Stack or Rick, or elſewhere, upon any Part of the Land charged with ſuch Rent, and to lock up or detain the ſame, in the Place where the ſame ſhall be found, for and in the Nature of a Diſtreſs, until the ſame ſhall be replevied, upon ſuch Security to be given as aforeſaid; and in Default of replevying the ſame as aforeſaid, within the Time aforeſaid, to ſell the ſame after the Appraiſement thereof, in Manner as above directed. *And further*, It ſhall be lawful for ſuch Landlord or Leſſor, to take and ſeize as aforeſaid, any Cattle or Stock of ſuch Tenant or Tenants, feeding or depaſturing upon any Common appendant, or appurtenant, or any Ways belonging to the Premiſes demiſed or holden; and alſo to take and ſeize all Sorts of Corn and Graſs, Roots, or other Produce growing or being thereon, as Diſtreſs for Arrears of Rent, and the ſame to cut, gather, make, cure, carry, and lay up, in ſome convenient Place on the Premiſes; and for Want thereof in ſome other Place, to be procured by ſuch Landlord, (due Notice of ſuch Place being given to ſuch Tenant or Leſſee, or left at his Place of Abode) and within the Time and in Manner herein before directed, to appraiſe, ſell or diſpoſe of the ſame.

And Cattle feeding on Common belonging to the demiſed Premiſes, and Corn, Graſs, Roots, and other Produce thereon, may alſo be diſtrained for Rent.

Diſtreſſes may be impounded, or ſecured and ſold on the Premiſes.

VII. *And be it further Enacted by the Authority aforeſaid*, That it ſhall be lawful for any Perſon, lawfully taking any Diſtreſs, to impound or otherwiſe ſecure the Diſtreſs ſo made, of whatever Nature or Kind it may be, in ſuch Place, or on ſuch Part of the Premiſes as ſhall be moſt convenient for the Purpoſe, and to appraiſe, ſell and diſpoſe of the ſame upon the Premiſes, in like Manner as any Perſon taking a Diſtreſs for Rent, may do off the Premiſes, by Virtue of this Act; and it ſhall be lawful for any Perſon or Perſons to come and go to and from ſuch Place or Part of the ſaid Premiſes, in order to view, appraiſe and buy, and alſo to carry off and remove the ſame.

Treble Damages and Coſts to be recovered on any Pound Breach, or Reſcous of the Goods diſtrained.

VIII. *And be it further Enacted by the Authority aforeſaid*, That upon any Pound Breach, or Reſcous of Goods or Chattels diſtrained for Rent, the Perſon or Perſons grieved thereby, ſhall, in a ſpecial Action upon the Caſe for the Wrong thereby ſuſtained, recover his and their treble Damages and Coſts of Suit, againſt the Offender or Offenders in any ſuch Reſcous or Pound Breach, any or either of them, or againſt the Owner of the Goods diſtrained, in Caſe the ſame be afterwards found to have come to his Uſe or Poſſeſſion.

If Goods are diſtrained and ſold where no Rent is due, the Owner to recover double the Value, with Coſts.

IX. *Provided always, and be it further Enacted by the Authority aforeſaid*, That in Caſe any ſuch Diſtreſs and Sale as aforeſaid, ſhall be made by Virtue or Colour of this preſent Act, for Rent pretended to be in arrear and due, where in Truth no Rent is in arrear or due to the Perſon or Perſons diſtraining, or to him or them in whoſe Name or Names, or Right, ſuch Diſtreſs ſhall be taken as aforeſaid, that then the Owner of ſuch Goods or Chattels diſtrained and ſold as aforeſaid, his Executors or Adminiſtrators, ſhall and may, by Action of Treſpaſs, or upon the Caſe, to be brought againſt the Perſon or Perſons ſo diſtraining any or either of them, his or their Executors or Adminiſtrators, recover double of the Value of the Goods or Chattels ſo diſtrained and ſold, together with full Coſts of Suit.

Damages to be recovered for any unlawful Act committed by the Perſon diſtraining,

X. *And be it further Enacted by the Authority aforeſaid*, That where any Diſtreſs ſhall be made for any Kind of Rent juſtly due, and any Irregularity or unlawful Act ſhall be afterwards done by the Party or Parties diſtraining, or by his, her or their Agent or Agents, the Diſtreſs itſelf ſhall not be therefore deemed to be unlawful, nor the Party or Parties making it, be deemed a Treſpaſſer or Treſpaſſers *ab initio*: But the Party or Parties aggrieved by

ſuch

ſuch unlawful Act or Irregularity, ſhall and may recover full Satisfaction for the ſpecial Damages he, ſhe or they, ſhall have ſuſtained thereby, and no more, in an Action of Treſpaſs, or on the Caſe, at the Election of the Plaintiff or Plaintiffs. *Provided always*, That where the Plaintiff or Plaintiffs ſhall recover in ſuch Action, he, ſhe or they ſhall be paid his, her or their full Coſts of Suit, and have all the like Remedies for the ſame as in other Caſes of Coſts: But that no Tenant or Tenants, Leſſee or Leſſees, ſhall recover in any Action for any ſuch unlawful Act or Irregularity as aforeſaid, if Tender of Amends hath been made, by the Party or Parties diſtraining, his, her or their Agent or Agents, before ſuch Action brought.

Unleſs Tender of Amends is made before Action brought.

XI. *And be it further Enacted by the Authority aforeſaid*, That in all Actions of Treſpaſs, or upon the Caſe, to be brought againſt any Perſon or Perſons entitled to any Rents or Services of any Kind, his, her or their Bailiff, or Receiver, or other Perſon or Perſons, relating to any Entry by Virtue of this Act, or otherwiſe, upon the Premiſes, chargeable with ſuch Rents or Services, or to any Diſtreſs or Seizure, Sale or Diſpoſal of any Goods or Chattels thereupon, it ſhall and may be lawful to and for the Defendant or Defendants, in ſuch Actions, to plead the general Iſſue, and give the ſpecial Matter in Evidence; any Law or Uſage to the Contrary notwithſtanding. And in Caſe the Plaintiff or Plaintiffs ſhall become nonſuit, diſcontinue his, her or their Action, or have Judgment againſt him, her or them, the Defendant or Defendants ſhall recover double Coſts of Suit.

Perſons entitled to Rents, being ſued for any Thing done by Virtue of this Act, may plead the general Iſſue, & give the ſpecial Matter in Evidence, and, if Judgment for him, have double Coſts.

XII. *And be it further Enacted by the Authority aforeſaid*, That no Goods or Chattels whatſoever, in or upon the demiſed Premiſes, ſhall be liable to be taken by Virtue of any Execution, on any Pretence whatſoever, unleſs the Party at whoſe Suit the ſaid Execution is ſued out, ſhall, before the Removal of ſuch Goods from off the ſaid Premiſes, by Virtue of ſuch Execution, pay to the Landlord of the ſaid Premiſes, or his Bailiff, all and every Sum or Sums of Money due for Rent for the ſaid Premiſes, at the Time of the taking ſuch Goods or Chattels, by Virtue of ſuch Execution; provided the ſaid Arrears of Rent do not amount to more than *one* Year's Rent: And in Caſe the ſaid Arrears ſhall exceed *one* Year's Rent, then the ſaid Party, at whoſe Suit ſuch Execution is ſued out, paying the ſaid Landlord, or his Bailiff, *one* Year's Rent, may proceed to execute his Judgment, as he might have done before the making of this Act; and the Sheriff, or other Officer, is hereby empowered and required to levy and pay to the Plaintiff, as well the Money ſo paid for Rent, as the Execution Money.

Goods not liable to Execution, unleſs Party pay Arrears of Rent to Landlord,

Not exceeding *one* Year's Rent.

And Sheriff to levy the Debt and Rent ſo paid.

XIII. *And be it further Enacted by the Authority aforeſaid*, That in Caſe any ſuch Leſſee, for Life or Lives, Term of Years, at Will, or otherwiſe, ſhall convey or carry off, or from ſuch demiſed Premiſes, his or her Goods or Chattels, leaving the Rent unpaid, it ſhall and may be lawful for ſuch Leſſor or Landlord, or any Perſon or Perſons by him or her for that Purpoſe lawfully empowered, within the Space of *thirty* Days next after ſuch conveying away, or carrying off ſuch Goods or Chattels as aforeſaid, to take and ſeize ſuch Goods and Chattels, wherever the ſame ſhall be found, as a Diſtreſs for the ſaid Arrears of Rent; and the ſame to ſell, or otherwiſe diſpoſe of, in ſuch Manner as if the ſaid Goods and Chattels had actually been diſtrained by ſuch Leſſor or Landlord, in and upon ſuch Premiſes, for ſuch Arrears of Rent; any Law, Cuſtom or Uſage, to the Contrary in any wiſe notwithſtanding. *Provided nevertheleſs*, That nothing in this Act contained, ſhall extend or be conſtrued to extend to empower ſuch Leſſor or Landlord to take or ſeize any Goods or Chattels as a Diſtreſs for Arrears of Rent, which ſhall be ſold *bona Fide*, and for a valuable Conſideration, before ſuch Seizure made, to any Perſon not privy to ſuch Fraud; any Thing herein contained to the Contrary notwithſtanding.

Goods carried off the Premiſes, may be ſeized within 30 Days after their Removal,

And ſold as if diſtrained.

Not to extend to Goods *bona Fide* ſold.

XIV. AND

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Tenants carrying away their Goods, leaving the Rent unpaid, and Perſons aſſiſting therein, to forfeit double the Value of ſuch Goods.

XIV. AND to deter Tenants from ſuch conveying away their Goods and Chattels, leaving the Rent unpaid, and others from wilfully aiding or aſſiſting therein, or concealing the ſame; *Be it further Enacted by the Authority aforeſaid*, That if any ſuch Tenant or Leſſee ſhall remove and convey away his or her Goods or Chattels, as aforeſaid, or if any Perſon or Perſons ſhall wilfully and knowingly aid or aſſiſt any ſuch Tenant or Leſſee in ſuch conveying away or carrying off any Part of his or her Goods or Chattels, or in concealing the ſame, all and every Perſon or Perſons, ſo offending, ſhall forfeit and pay to the Landlord or Landlords, Leſſor or Leſſors, his, her or their Heirs or Aſſigns, from whoſe Eſtate ſuch Goods and Chattels were ſo carried off as aforeſaid, double the Value of the Goods by him, her or them reſpectively carried off, or concealed, as aforeſaid; to be recovered by Action of Debt in any Court of Record.

Landlord with a Conſtable may break Doors, and enter ſuſpected Places to take Goods, removed by Tenants to prevent Diſtreſs.

XV. *And be it further Enacted by the Authority aforeſaid*, That where any Goods or Chattels ſhall be conveyed or carried away, as aforeſaid, by any Tenant or Tenants, Leſſee or Leſſees, his, her or their Servant or Servants, Agent or Agents, or other Perſon or Perſons, aiding or aſſiſting therein, ſhall be put, placed or kept in any Houſe, Barn, Stable, Out-Houſe, Yard, Cloſe or Place, locked up, faſtened or otherwiſe ſecured, ſo as to prevent ſuch Goods or Chattels from being taken and ſeized as a Diſtreſs for Arrears of Rent, it ſhall and may be lawful for the Landlord or Landlords, Leſſor or Leſſors, his, her or their Heirs or Aſſigns, or his, her or their Steward, Bailiff, Receiver, or other Perſon or Perſons empowered to take and ſeize, as a Diſtreſs for Rent, ſuch Goods and Chattels (firſt calling to his, her or their Aſſiſtance, the Conſtable or other Peace Officer of the Town or Place where the ſame ſhall e ſuſpected to be concealed, who are hereby required to aid and aſſiſt therein, and in Caſe of a Dwelling-Houſe, Oath being alſo firſt made before ſome Juſtice of the Peace, of a reaſonable Ground to ſuſpect that ſuch Goods or Chattels are therein) in the Day Time, to break open, and enter into ſuch Houſe, Barn, Stable, Out-Houſe, Yard, Cloſe or Place, and to take and ſeize ſuch Goods and Chattels for the ſaid Arrears of Rent, as he, ſhe or they might have done by Virtue of this Act, if ſuch Goods and Chattels had been put in any open Field or Place.

Actions of Debt may be brought for Rent on Leaſes for Life.

XVI. *And be it further Enacted by the Authority aforeſaid*, That it ſhall be lawful for any Perſon or Perſons having any Rent in Arrear or due upon a Leaſe or Demiſe for Life or Lives, to bring an Action or Actions of Debt for ſuch Arrears of Rent, in the ſame Manner as they might have done in Caſe ſuch Rent was due and reſerved upon a Leaſe for Years.

Diſtreſs allowed for Rent in Arrear where Leaſe for Life is determined,

If made within *ſix* Months, and during the Landlord's Title and Tenant's Poſſeſſion.

XVII. AND *whereas*, Tenants *pour autre Vie*, and Leſſees for Years, or at Will, frequently hold over the Tenements to them demiſed, after the Determination of ſuch Leaſe: *And whereas* after the Determination of ſuch, or any other Leaſes, no Diſtreſs can, by Law be made for any Arrears of Rent that grew due on ſuch reſpective Leaſes before the Determination thereof; For Remedy whereof, *Be it further Enacted by the Authority aforeſaid*, That it ſhall be lawful for any Perſon or Perſons having any Rent in arrear and due upon a Leaſe for Life or Lives, or for Years, or at Will, ended or determined, to diſtrain for ſuch Arrears after the Determination of the ſaid reſpective Leaſes, in the ſame Manner as they might have done if ſuch Leaſe or Leaſes had not been ended or determined. *Provided*, That ſuch Diſtreſs be made within the Space of *ſix* Calendar Months after the Determination of ſuch Leaſe, and during the Continuance of ſuch Landlord's Title or Intereſt, and during the Poſſeſſion of the Tenant from whom ſuch Arrears became due.

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XVIII. AND *whereas* by the Common Law, the Executors or Adminiſtrators of Tenants in Fee Simple, or for Term of Life, of Rent Service, Rent Charge, Rent Seck, and Fee Farms, have no Remedy to recover ſuch Arrearages of the ſaid Rents or Fee Farms, as were due unto their Teſtators or Inteſtates in their Lives, nor may the Heirs of ſuch Teſtator, nor any Perſon having the Reverſion of his or her Eſtate, after his or her Deceaſe, diſtrain or have any lawful Action to levy any ſuch Arrears of Rents or Fee Farms; For Remedy whereof, *Be it further Enacted by the Authority aforeſaid*, That the Executors or Adminiſtrators of every ſuch Perſon and Perſons, unto whom any ſuch Rent or Fee Farm is or ſhall be due, and not paid at the Time of his, her or their Death, ſhall and may have an Action of Debt for all ſuch Arrearages, againſt the Tenant or Tenants who ought to have paid the ſaid Rent or Fee Farms ſo being behind in the Life of the Teſtator or Inteſtate, or againſt the Executors or Adminiſtrators of the ſaid Tenant or Tenants: *And further*, That it ſhall be lawful for every ſuch Executor and Adminiſtrator of any ſuch Perſon or Perſons, unto whom ſuch Rent or Fee Farm is or ſhall be due, and not paid at the Time of his, her or their Death, as aforeſaid, to diſtrain for the Arrearages of all ſuch Rents and Fee Farms, upon the Lands, Tenements and Hereditaments, which were, are, or ſhall be charged with the Payment of ſuch Rents or Fee Farms, and chargeable to the Diſtreſs of the Teſtator or Inteſtate, ſo long as the ſaid Lands, Tenements or Hereditaments continue, remain and be in the Seiſin or Poſſeſſion of the ſaid Tenant in Demeſne, who ought immediately to have paid the ſaid Rent or Fee Farm ſo being behind, to the ſaid Teſtator or Inteſtate, in his or her Life Time, or in the Seiſin or Poſſeſſion of any other Perſon or Perſons claiming the ſaid Lands, Tenements and Hereditaments, only by or from the ſaid Tenant, by Purchaſe, Gift or Deſcent, in like Manner and Form as their Teſtator or Inteſtate might or ought to have done in his or her Life Time. And the ſaid Executors or Adminiſtrators ſhall, for the ſame Diſtreſs, lawfully make Avowry upon their Matter aforeſaid, and make Appraiſement and Sale of ſuch Diſtreſs in the Manner aforeſaid.

Executors or Adminiſtrators of Perſons intitled to Rents in Fee, or for Life, may ſue for Arrears of ſuch Rents,

Or diſtrain for the ſame.

XIX. *And be it further Enacted by the Authority aforeſaid*, That if any Man who now hath, or ſhall hereafter have, in the Right of his Wife, any Eſtate in Fee Simple, or for Term of Life, of or in any Rents or Fee Farms, and the ſame Rents or Fee Farms now be, or hereafter ſhall be due, behind and unpaid, in the ſaid Wife's Life Time; then the ſaid Huſband, after the Death of his ſaid Wife, his Executors or Adminiſtrators, ſhall have an Action of Debt for the ſaid Arrearages, againſt the Tenant of the Demeſne, who ought to have paid the ſame, his or her Executors or Adminiſtrators: *And further*, That the ſaid Huſband, after the Death of his ſaid Wife, may diſtrain for the ſaid Arrearages, in like Manner and Form as he might have done, if his Wife had been then living, and make Avowry upon his Matter as aforeſaid, and make Appraiſement and Sale of ſuch Diſtreſs in the Manner aforeſaid.

Huſbands intitled to ſuch Rents in Right of their Wives, may ſue or diſtrain for the Arrears thereof after the Death of their Wives.

XX. *And be it further Enacted by the Authority aforeſaid*, That if any Perſon who now hath, or hereafter ſhall have, any Rents or Fee Farms, for Term of Life or Lives, of any other Perſon or Perſons, and the ſaid Rent or Fee Farm now be, or hereafter ſhall be due, and behind and unpaid, in the Life of ſuch Perſon or Perſons, for whoſe Life or Lives the Eſtate of the ſaid Rent or Fee Farm did depend or continue, and after the ſaid Perſon or Perſons do die, then he or ſhe to whom the ſaid Rent or Fee Farm was due in Form aforeſaid, his or her Executors or Adminiſtrators, ſhall and may have an Action of Debt againſt the Tenant in Demeſne, who ought to have paid the ſame when it was firſt due, his or her Executors or Adminiſtrators; and alſo may diſtrain for the ſame Arrearages, upon the Lands and Tenements out of which the ſaid Rents or Fee Farms were iſſuing and payable, in ſuch like Manner and Form

Perſons intitled to Rents for the Life of others, may ſue or diſtrain for the Arrears thereof, after the Death of ſuch other Perſons.

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as he or ſhe ought or might have done, if the Perſon or Perſons by whoſe Death the aforeſaid Eſtate in the ſaid Rents and Fee Farms determined and expired, were in full Life; and the Avowry for the taking of the ſame Diſtreſs to make in Manner and Form aforeſaid, and make Appraiſement and Sale of ſuch Diſtreſs in Manner aforeſaid.

Tenants, or other Perſons coming into Poſſeſſion, to pay double the yearly Value of the Lands.

XXI. *And be it further Enacted by the Authority aforeſaid*, That in Caſe any Tenant or Tenants, for any Term of Life, Lives or Years, or other Perſon or Perſons who are, or ſhall come into Poſſeſſion of any Lands, Tenements or Hereditaments, by, from, or under, or by Colluſion with, ſuch Tenant or Tenants, ſhall wilfully hold over any Lands, Tenements or Hereditaments, after the Determination of ſuch Term or Terms, and after Demand made, and Notice in writing given for delivering the Poſſeſſion thereof, by his or their Landlord or Leſſor, or the Perſon or Perſons to whom the Remainder or Reverſion of ſuch Lands, Tenements or Hereditaments ſhall belong, his or their Agent or Agents thereunto lawfully authoriſed; then, and in ſuch Caſe, ſuch Perſon or Perſons ſo holding over, ſhall, for and during the Time he, ſhe or they ſhall ſo hold over or keep the Perſon or Perſons entitled, out of Poſſeſſion of the ſaid Lands, Tenements or Hereditaments, as aforeſaid, pay to the Perſon or Perſons ſo kept out of Poſſeſſion, his, her or their Executors, Adminiſtrators or Aſſigns, at the Rate of double the yearly Value of the Lands, Tenements or Hereditaments ſo detained, for ſo long Time as the ſame are detained; to be recovered in any Court of Record in this State, by Action of Debt, whereunto the Defendant or Defendants ſhall be obliged to give ſpecial Bail; and againſt the recovering of which ſaid Penalty, there ſhall be no Relief in Equity.

Tenants giving Notice of their Intention to quit the Premiſes, and refuſing to deliver up the Poſſeſſion according to ſuch Notice, to pay double Rent.

XXII. *And be it further Enacted by the Authority aforeſaid*, That in Caſe any Tenant or Tenants ſhall give Notice of his, her or their Intention to quit the Premiſes, by him, her or them holden, at a Time mentioned in ſuch Notice, and ſhall not accordingly deliver up the Poſſeſſion thereof, at the Time in ſuch Notice contained, that then the ſaid Tenant or Tenants, his, her or their Executors or Adminiſtrators, ſhall, from thenceforward, pay to the Landlord or Leſſor, his or her Heirs or Aſſigns, double the Rent or Sum which he, ſhe or they ſhould otherwiſe have paid; to be levied, ſued for, and recovered at the ſame Times, and in the ſame Manner as the ſingle Rent or Sum, before the giving ſuch Notice, could be levied, ſued for, or recovered; and ſuch double Rent or Sum ſhall be continued to be paid during all the Time ſuch Tenant or Tenants ſhall continue in Poſſeſſion, as aforeſaid.

Where one half Year's Rent is in Arrear, the Leſſor having Right to re-enter, may recover by Ejectment.

Manner of proceeding in ſuch Caſes.

XXIII. AND *whereas* great Inconveniences may happen to Leſſors and Landlords, in Caſes of Re-Entry for Non-Payment of Rent, by Reaſon of the many Niceties that attend Re-Entries at Common Law; and for as much as when a legal Re-Entry is made, the Landlord or Leſſor muſt be at the Expence, Charge and Delay of recovering in Ejectment, before he can obtain the actual Poſſeſſion of the demiſed Premiſes; For Remedy whereof, *Be it further Enacted by the Authority aforeſaid*, That in all Caſes between Landlord and Tenant, as often as it ſhall happen that one Half Year's Rent ſhall be in Arrear, and the Landlord or Leſſor to whom the ſame is due, hath Right, by Law, to re-enter for the Non-Payment thereof, ſuch Landlord or Leſſor ſhall and may, without any formal Demand or Re-Entry, ſerve a Declaration in Ejectment for the Recovery of the demiſed Premiſes; or in Caſe the ſame cannot be legally ſerved, or no Tenant be in actual Poſſeſſion of the Premiſes, then affix the ſame upon the Door of any demiſed Meſſuage; or in Caſe ſuch Ejectment ſhall not be for the Recovery of any Meſſuage, then upon ſome notorious Place of the Lands, Tenements or Hereditaments, compriſed in ſuch Declaration in Ejectment; and ſuch affixing ſhall be deemed legal Service thereof;

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thereof; which Service, or affixing ſuch Declaration in Ejectment, ſhall ſtand in the Place and Stead of a Demand and Re-Entry; and in Caſe of Judgment againſt the caſual Ejector, or Nonſuit for not confeſſing Leaſe, Entry and Ouſter, it ſhall be made appear to the Court where the ſaid Suit is depending, by Affidavit, or be proved upon the Trial, in Caſe the Defendant appears, that half a Year's Rent was due before the ſaid Declaration was ſerved, and that no ſufficient Diſtreſs was to be found on the demiſed Premiſes, countervailing the Arrears then due, and that the Leſſor or Leſſors in Ejectment, had Power to re-enter; then, and in every ſuch Caſe, the Leſſor or Leſſors in Ejectment, ſhall have Judgment and Execution, in the ſame Manner as if the Rent in Arrear had been legally demanded, and Re-Entry made; and in Caſe the Leſſee or Leſſees, his, her or their Aſſignee or Aſſignees, or other Perſon or Perſons claiming or deriving Title under the ſaid Leaſe, ſhall ſuffer Judgment on ſuch Ejectment, and Execution to be executed thereon, without paying the Rent and Arrears, together with full Coſts, and without filing any Bill or Bills for Relief, in Equity, within *ſix* Calendar Months after ſuch Execution executed; then, and in ſuch Caſe, the ſaid Leſſee or Leſſees, his, her or their Aſſignee or Aſſignees, and all other Perſons claiming and deriving Title under the ſaid Leaſe, ſhall be barred and fore-cloſed from all Relief or Remedy in Law or Equity, other than by Writ of Error, for Reverſal of ſuch Judgment, in Caſe the ſame ſhall be erroneous; and the ſaid Landlord or Leſſor ſhall, from thenceforth, hold the ſame demiſed Premiſes, diſcharged from ſuch Leaſe or Contract; and if on ſuch Ejectment, a Verdict ſhall paſs for the Defendant or Defendants, or the Plaintiff or Plaintiffs ſhall be nonſuited therein, except for the not confeſſing Leaſe, Entry and Ouſter, then, and in every ſuch Caſe, ſuch Deſendant or Defendants ſhall have and recover his, her and their full Coſts. *Provided always*, That nothing herein contained ſhall extend to bar the Right of any Mortgagee or Mortgagees, of ſuch Leaſe, or any Part thereof, who ſhall not be in Poſſeſſion, ſo as ſuch Mortgagee or Mortgagees ſhall and do, within *ſix* Calendar Months after ſuch Judgment obtained and Execution executed, pay all Rent in Arrear, and all Coſts and Damages ſuſtained by ſuch Leſſor, or Perſon or Perſons entitled to the Remainder or Reverſion, as aforeſaid, and perform all the Covenants and Agreements, which on the Part and Behalf of the firſt Leſſee or Leſſees, are and ought to be performed.

Not to bar the Right of any Mortgagee who is not in Poſſeſſion, they paying the Arrears, with Coſts, in *ſix* Months.

XXIV. *And be it further Enacted by the Authority aforeſaid*, That in Caſe the ſaid Leſſee or Leſſees, his, her or their Aſſignee or Aſſignees, or other Perſon or Perſons claiming any Right, Title or Intereſt, in Law or Equity, of, in or to the ſaid Leaſe, ſhall, within the Time aforeſaid, file one or more Bill or Bills for Relief, in any Court of Equity, ſuch Perſon or Perſons ſhall not have or continue any Injunction againſt the Proceedings at Law on ſuch Ejectment, unleſs he, ſhe or they do, or ſhall, within *forty* Days next after a full and perfect Anſwer ſhall be filed, by the Leſſor or Leſſors of the Plaintiff in ſuch Ejectment, bring into Court and lodge with the proper Officer, ſuch Sum and Sums of Money, as the Leſſor or Leſſors of the Plaintiff in the ſaid Ejectment, ſhall, in his, her or their Anſwer, ſwear to be due, and in arrear, over and above all juſt Allowances; and alſo the Coſts taxed in the ſaid Suit, there to remain until the hearing of the Cauſe, or to be paid out to the Leſſor or Landlord, on good Security, ſubject to the Decree of the Court; and in Caſe ſuch Bill or Bills ſhall be filed within the Time aforeſaid, and after the Execution is executed, the Leſſor or Leſſors of the Plaintiff, ſhall be accountable only for ſo much, and no more, as he, ſhe or they ſhall, really and *bona Fide*, without Fraud, Deceit or wilful Neglect, make of the demiſed Premiſes, from the Time of his, her or their entering into the actual Poſſeſſion thereof; and if what ſhall be ſo made by the Leſſor or Leſſors of the Plaintiff, happen to be leſs than the Rent reſerved on the ſaid Leaſe, then the

No Injunction to iſſue to ſtop Proceedings at Law, unleſs the Leſſee brings into Court the Rent due, and Coſts.

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the ſaid Leſſee or Leſſees, his, her or their Aſſignee or Aſſignees, before he, ſhe or they ſhall be reſtored to the Poſſeſſion or Poſſeſſions, ſhall pay ſuch Leſſor or Leſſors, or Landlord or Landlords, what the Money, ſo by them made, fell ſhort of the reſerved Rent, for the Time ſuch Leſſor or Leſſors of the Plaintiff, or Landlord or Landlords, held the ſaid Lands.

Proceedings in Ejectment to ceaſe, on Tenants paying the Rent and Coſts.

XXV. *Provided always, and be it further Enacted by the Authority aforeſaid,* That if the Tenant or Tenants, his, her or their Aſſignee or Aſſignees, ſhall, at any Time before the Trial in ſuch Ejectment, pay, or tender to the Leſſor or Landlord, his Executors or Adminiſtrators, or his, her or their Attorney, in that Cauſe, or pay into the Court where the ſame Cauſe is depending, all the Rent and Arrears, together with the Coſts, then, and in ſuch Caſe, all further Proceedings on the ſaid Ejectment, ſhall ceaſe and be diſcontinued; and if ſuch Leſſee or Leſſees, his, her or their Executors, Adminiſtrators or Aſſigns, ſhall, upon ſuch Bill, filed as aforeſaid, be relieved in Equity, he, ſhe or they ſhall have, hold and enjoy the demiſed Lands, according to the Leaſe thereof made, without any new Leaſe to be thereof made to him, her or them.

Tenants relieved in Equity to hold Lands without a new Leaſe.

XXVI. AND for making the Renewal of Leaſes more eaſy for the future, *Be it further Enacted by the Authority aforeſaid,* That in Caſe any Leaſe ſhall be duly ſurrendered, in order to be renewed, and a new Leaſe made and executed by the chief Landlord or Landlords, the ſame new Leaſe ſhall, without a Surrender of all or any the Under-Leaſes, be as good and valid, to all Intents and Purpoſes, as if all the Under-Leaſes derived thereout, had been likewiſe ſurrendered at or before the taking of ſuch new Leaſe; and

New Leaſes good and valid without Surrender of Under-Leaſes.

all and every Perſon or Perſons, in whom any Eſtate for Life or Lives, or for Years, ſhall, from Time to Time, be veſted by Virtue of ſuch new Leaſe, and his, her and their Executors and Adminiſtrators, ſhall be entitled to the Rents, Covenants and Duties, and have like Remedy for Recovery thereof; and the Under-Leſſees ſhall hold and enjoy the demiſed Premiſes reſpectively, as if the original Leaſes, out of which the reſpective Under-Leaſes are derived, had been ſtill kept on Foot and continued; and the chief Landlord or Landlords ſhall have and be entitled to ſuch and the ſame Remedy, by Diſtreſs or Entry, in and upon the demiſed Premiſes, for the Rents and Duties reſerved by ſuch new Leaſe, ſo far as the ſame exceed not the Rents and Duties reſerved in the Leaſe out of which ſuch Under-Leaſe was derived, as he, ſhe or they would have had, in Caſe ſuch former Leaſe had been ſtill continued; or as he, ſhe or they would have had, in Caſe the reſpective Under-Leaſes had been renewed under ſuch new principal Leaſe; any Law, Cuſtom or Uſage to the Contrary hereof notwithſtanding.

If Tenant for Life dies before the Day on which Rent becomes due, Executors to recover a proportionable Part.

XXVII. *And be it further Enacted by the Authority aforeſaid,* That where any Tenant for Life ſhall happen to die before, or on the Day on which any Rent was reſerved or made payable, upon any Demiſe or Leaſe of any Lands, Tenements or Hereditaments, which determined on the Death of ſuch Tenant for Life, that the Executors or Adminiſtrators of ſuch Tenant for Life, ſhall and may, in an Action on the Caſe, recover of and from ſuch Under-Tenant or Under-Tenants of ſuch Lands, Tenements or Hereditaments, if ſuch Tenant for Life die on the Day on which the ſame was made payable, the whole, or if before ſuch Day, then a Proportion of ſuch Rent, according to the Time ſuch Tenant for Life lived of the laſt Year, or Quarter of a Year, or other Time in which the ſaid Rent was growing due as aforeſaid, making all juſt Allowances, or a proportionable Part thereof, reſpectively.

XXVIII. AND *whereas* the Poſſeſſion of Eſtates in Lands, Tenements and Hereditaments, is rendered very precarious, by the frequent and fraudulent

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dulent Practice of Tenants, in attorning to Strangers who claim Title to the Eſtates of their reſpective Landlord or Landlords, Leſſor or Leſſors, who, by that Means are turned out of Poſſeſſion of their reſpective Eſtates, and put to the Difficulty and Expence of recovering the Poſſeſſion thereof, by Actions or Suits at Law: For Remedy whereof, *Be it further Enacted by the Authority aforeſaid*, That all and every ſuch Attornment or Attornments of any Tenant or Tenants, of any Meſſuages, Lands, Tenements or Hereditaments, ſhall be abſolutely null and void, to all Intents and Purpoſes whatſoever and the Poſſeſſion of their reſpective Landlord or Landlords, Leſſor or Leſſors, ſhall not be deemed or conſtrued to be in any wiſe changed, altered or affected, by any ſuch Attornment or Attornments. *Provided always*, That nothing herein contained, ſhall extend to vacate or affect any Attornment made purſuant to, and in Conſequence of ſome Judgment at Law, or Decree, or Order of a Court of Equity, or made with the Privity and Conſent of the Landlord or Landlords, Leſſor or Leſſors, or to any Mortgagee, after the Mortgage is become forfeited.

Attornments of Tenants to Strangers, void,

Unleſs made purſuant to Judgment, or Order of Court, or with Conſent of Landlord.

XXIX. *And be it further Enacted by the Authority aforeſaid*, That every Tenant to whom any Declaration in Ejectment ſhall be delivered, for any Lands, Tenements or Hereditaments, ſhall forthwith give Notice thereof to his or her Landlord or Landlords, or his, her or their Bailiff or Receiver, under Penalty of forfeiting the Value of *three* Years improved or Rack Rent of the Premiſes ſo demiſed, or holden in the Poſſeſſion of ſuch Tenant, to the Perſon of whom he or ſhe holds, to be recovered by Action of Debt to be brought in any Court of Record within this State.

Penalty on Tenants not giving Notice to their Landlords of Declarations in Ejectment delivered to them.

XXX. *And be it further Enacted by the Authority aforeſaid*, That it ſhall be lawful for the Court where ſuch Ejectment ſhall be brought, to ſuffer the Landlord or Landlords, to make him, her or themſelves, Defendant or Defendants, by joining with the Tenant or Tenants, to whom ſuch Declaration in Ejectment ſhall be delivered, in Caſe he or they ſhall appear; but in Caſe ſuch Tenant or Tenants ſhall refuſe or neglect to appear, Judgment ſhall be ſigned againſt the caſual Ejector, for Want of ſuch Appearance; but if the Landlord or Landlords of any Part of the Lands, Tenements or Hereditaments, for which ſuch Ejectment was brought, ſhall deſire to appear by himſelf, herſelf or themſelves, and conſent to enter into the like Rule, that, by the Courſe of the Court, the Tenant in Poſſeſſion, in Caſe he or ſhe had appeared, ought to have done; then the Court, where ſuch Ejectment ſhall be brought, ſhall and may permit ſuch Landlord or Landlords ſo to do, and order a Stay of Execution upon ſuch Judgment againſt the caſual Ejector, until they ſhall make further Order therein.

Landlords to be admitted Defendants, by joining with their Tenants.

XXXI. And to obviate ſome Difficulties that many Times occur in the Recovery of Rents, where the Demiſes are not by Deed; *Be it further Enacted by the Authority aforeſaid*, That it ſhall be lawful to and for the Landlord or Landlords, his, her or their Heirs or Aſſigns, where the Agreement is not by Deed, to recover a reaſonable Satisfaction for the Lands, Tenements or Hereditaments, held or occupied by the Defendant or Defendants, in an Action on the Caſe, for the Uſe and Occupation of what was ſo held and enjoyed; and if in Evidence on the Trial of ſuch Action, any parole Demiſe, or any Agreement (not being by Deed) whereon a certain Rent was reſerved, ſhall appear, the Plaintiff in ſuch Action ſhall not therefore be non ſuited, but may make uſe thereof as an Evidence of the Quantum of the Damages to be recovered.

Where Demiſes are not by Deed, Landlords may recover reaſonable Satisfaction for their Lands.

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CHAP. XXXVII.

An ACT *for puniſhing Treaſons and Felonies, and for the better regulating the Proceedings in Caſes of Felony.*

Paſſed 21ſt February, 1788.

Benefit of the Clergy, to Criminals aboliſhed.

I. BE *it Enacted by the People of the State of* New-York, *repreſented in Senate and Aſſembly, and it is hereby Enacted by the Authority of the ſame,* That the Privilege, or Benefit of the Clergy, heretofore allowed in criminal Caſes, ſhall be, and hereby is taken away and for ever aboliſhed.

What Crimes to be puniſhed with Death.

II. *And be it further Enacted by the Authority aforeſaid,* That every Perſon who hereafter ſhall be, in due Form of Law, convicted or attainted of any Manner of Treaſon, Murder, Rape, Buggery or Burglary; or of felonioufly taking any Goods or Chattels out of any Church or Place of public Worſhip; or of felonioufly breaking any Houſe, by Day or by Night, any Perſon being then in the ſame Houſe where ſuch breaking ſhall be committed, and thereby put in Fear or Dread; or of robbing any Perſon or Perſons in his, her or their Dwelling-Houſe, or Dwelling-Place, the Owner or Dweller in the ſame Houſe, or his Wife, or his or her Children or Servants, or any or either of them, then being within the ſame Houſe or Place where the Robbery ſhall be committed and done, or any other Place within the Precinct of the ſame Houſe or Dwelling-Place, whether the Owner or Dweller in the ſame Houſe, or his Wife, or his or her Children or Servants, or any, or either of them, then and there being, ſhall be waking or ſleeping; or of robbing any Perſon; or of felonioufly taking away any Goods or Chattels, being in any Dwelling-Houſe, the Owner or any other Perſon being therein, and put in Fear; or of robbing any Dwelling-Houſe, in the Day Time, any Perſon being therein; or of robbing any Perſon or Perſons in or about any Highway; or of wilfully burning any Dwelling-Houſe, or any Barn; or of any Offence ſpecified in the Act, entitled, *An* Act *to prevent malicious maiming and wounding;* or of any Offence ſpecified in the Act, entitled, *An* Act *for preventing and puniſhing Forgery and Counterfeiting;* and every Perſon who ſhall aid, abet, aſſiſt, counſel, hire or command any Perſon or Perſons to commit any of the ſaid Offences, and thereof be duly convicted or attainted, ſhall ſuffer Death for the ſame,

The Form of the Judgments in ſuch Caſes.

and ſhall be hanged by the Neck until he, ſhe or they ſhall be dead. *And further,* That the Judgments to be given in all and every of the Caſes aforeſaid, ſhall invariably be, that the Perſon ſo convicted or attainted, ſhall be hanged by the Neck until he or ſhe ſhall be dead; any Law, Uſage or Cuſtom to the Contrary notwithſtanding.

Other Felonies how puniſhed for the firſt Offence,

And moreover, That all and every Perſon and Perſons who ſhall, in due Form of Law, be convicted or attainted of any Felony, other than ſuch as are herein before mentioned, ſhall, for the firſt Offence, be puniſhed by Fine, Impriſonment, or corporal Puniſhment, or by all or any of them, in ſuch Manner as the Juſtices before whom ſuch Conviction or Attainder ſhall be had, or who ſhall give Judgment thereupon, ſhall, in their Diſcretion, think proper to direct and award, not extending to Life or Limb; and for any ſecond Offence, or Felony committed after ſuch firſt Conviction, every ſuch Offender ſhall ſuffer Death, and ſhall have Judgment to be hanged by the Neck until he or ſhe ſhall be dead; and ſhall be accordingly hanged by the Neck until he or ſhe ſhall be dead; but nothing herein before contained ſhall extend to Petty Larceny, which is the felonioufly taking and carrying away the Goods or Chattels of another, of the Value of *Five Pounds* or under.

And for the ſecond Offence to be puniſhed with Death.

Peine fort et dure, aboliſhed.

III. *And be it further Enacted by the Authority aforeſaid,* That the Law relative to the *Peine fort et Dure,* ſhall be, and hereby is aboliſhed; and that in all Caſes of Treaſon or Felony, where the Party indicted ſhall, on being arraigned,

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In Caſes of Treaſon or Felony, Priſoner ſtanding mute, or refuſing to plead, to be tried as if they had pleaded not guilty.

arraigned, obſtinately ſtand mute, or refuſe to plead, and be tried in due Courſe of Law; ſuch obſtinately ſtanding mute, or Refuſal to plead and be tried as aforeſaid, ſhall be adjudged to amount to, and be a proper Traverſe or Denial of the Facts charged in the Indictment; and the Trial ſhall thereupon proceed in like Manner, and the Record ſhall be in the ſame Form, and the ſame Judgment ſhall be given againſt the ſaid Party, if found guilty, as if he or ſhe had, on being arraigned, pleaded not guilty, and for Trial had put himſelf or herſelf on the Country; any Law to the Contrary notwithſtanding.

Clerks to certify Convictions into the Exchequer.

IV. *And be it further Enacted by the Authority aforeſaid*, That the Clerk of the Supreme Court, the Clerks of every Circuit Court, and Court of Oyer and Terminer, and Gaol Delivery, and the Clerks of the Peace for the Time being, where any Attainder, Outlawry or Conviction of any Perſon or Perſons, for any Manner of Treaſon, Murder, Rape, Buggery, Burglary, Robbery, or other Felony, ſhall be had, ſhall, without Fee or Reward, certify into the Court of Exchequer, at the next Term, there to remain of Record for ever, a Tranſcript, briefly and in few Words, containing the Tenor and Effect of every ſuch Attainder, Outlawry or Conviction, and of the Indictment or Appeal upon which the ſame ſhall be ſo had; *That is to ſay*, The Name, Sirname, and Addition of every ſuch Perſon ſo convicted, outlawed or attainted, and the Certainty of the ſaid Felony, or other Offence whereupon he or ſhe ſhall be ſo convicted, outlawed or attainted, and the Day and Place of the Conviction, Outlawry or Attainder, and before whom the ſame was had, and the Day and Place where and when the ſaid Felony, or other Offence was done, and the Judgment thereupon given, upon Pain to forfeit, for evey Omiſſion or Neglect, the Sum of *Ten Pounds*, to the People of this State; and the Clerk of the Court of Exchequer ſhall receive all ſuch Certificates and Tranſcripts, when the ſame ſhall be preſented and offered to him by any of the reſpective Clerks aforeſaid, or by his or their Deputy or Deputies, without taking any Thing for the ſame; and ſhall, at all Times, without Fee or Reward, when requeſted by the Attorney General of this State, or by any Proſecutor againſt any Perſon named in any ſuch Certificate or Tranſcript, for any ſecond Offence, make and deliver to the Attorney General, or Proſecutor, a true Copy of ſuch Certificate or Tranſcript, certified under his Hand and the Exchequer Seal; and every ſuch Copy, ſo certified, ſhall be good Evidence of ſuch former Conviction, Outlawry or Attainder.

Clerk of Exchequer to give Copies thereof when required.

Such Copies to be received as Evidence.

Perſons convicted of ſtealing Goods, to be puniſhed with Death, if it be found that the Goods were taken by Robbery or Burglary in another County.

V. *And be it further Enacted by the Authority aforeſaid*, That if any Perſon or Perſons ſhall be indicted of Felony, for ſtealing of any Goods or Chattels, in any County of this State, and thereof be convicted or attainted; if it ſhall appear upon Evidence, and be found by the Jury, that the ſaid Goods or Chattels were taken by Robbery or Burglary, or in any other Manner, in any other County, whereof, if ſuch Perſon or Perſons had been convicted by a Jury of ſuch other County, he, ſhe or they would, by Virtue of this, or any other Act now in Force, or hereafter to be made, be liable to ſuffer Death, then, and in every ſuch Caſe, Judgment ſhall be given that the ſaid Offender or Offenders ſhall be hanged by the Neck, until he, ſhe or they ſhall be dead, and ſuch Offender and Offenders ſhall be put to Death accordingly.

Forfeiture in Caſes of Treaſon and Felony,

VI. *And be it further Enacted by the Authority aforeſaid*, That every Perſon who ſhall, in due Form of Law, be convicted or attainted of any Manner of Treaſon, Murder, Rape, Buggery, Burglary, Robbery, or other Felony, for which he or ſhe ought, or is, or ſhall be, by any Law of this State now in Force, or hereafter to be made, liable to ſuffer Death, ſhall forfeit to the People of this State, all his or her Goods and Chattels, and alſo all ſuch Lands, Tenements

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Tenements and Hereditaments, which any ſuch Offender ſhall have of any Eſtate of Inheritance, in his or her own Right, in Uſe or Poſſeſſion, and all Rights, Entries, Conditions, Reverſions and Remaiders of, in or to any Lands, Tenements or Hereditaments, at the Time of any ſuch Offence committed, or at any Time after; and the People of this State, without any Office or Inquiſition to be found, ſhall be deemed and adjudged in the actual and real Poſſeſſion of the Lands, Tenements, Hereditaments, Uſes, Goods, Chattels, and all other Things of the Offenders, ſo convicted or attainted, which the People of this State ought lawfully to have, and which the Offenders ſo being convicted or attainted, ought to loſe and forfeit, or might lawfully loſe and forfeit; SAVING to every Perſon and Perſons, and to his, her and their Heirs and Succeſſors, other than the Offenders and their Heirs, and ſuch Perſon and Perſons as claim to the Uſe of any ſuch Offender or Offenders, all ſuch Rights, Titles, Intereſt, Poſſeſſions, Leaſes, Rents, Reverſions, Offices, and other Profits, which they or any of them ſhall have at the Day of committing any ſuch Offence, or at any Time after, in as large and ample Manner, as if this Clauſe of this Act had not been made.

Saving the Rights of others.

Attainders of Treaſon or Felony not to corrupt the Blood, or forfeit Dower.

VII. *And be it further Enacted by the Authority aforeſaid*, That no Attainder of any Perſon or Perſons, of or for any Manner of Treaſon or Felony whatſoever, ſhall hereafter extend to corrupt the Blood of the Offender, or to forfeit the Dower of his Wife.

Manner of proceeding where a Perſon is ſtricken or poiſoned in one County, and dies in another.

VIII. *And be it further Enacted by the Authority aforeſaid*, That where any Perſon hereafter ſhall be felonioufly ſtricken or poiſoned in one County, and die of the ſame Stroke or Poiſoning in another County, then an Indictment thereof, found by Jurors of the County where the Death ſhall happen, whether it ſhall be found before the Coroner, upon the Sight of ſuch dead Body, or before the Juſtices of the Peace, or other Juſtices or Commiſſioners who ſhall have Authority to enquire of ſuch Offences, ſhall be as good and effectual in the Law, as if the Stroke or Poiſoning had been given, committed and done in the ſame County where the Party ſhall die, or where ſuch Indictment ſhall be ſo found. *And further*, That the Juſtices of Gaol Delivery, and Juſtices authoriſed or aſſigned to hear and determine, in the ſame County where ſuch Indictment at any Time hereafter, ſhall be taken, and the Juſtices of the Supreme Court, when ſuch Indictment ſhall be taken or removed before them, ſhall and may proceed upon the ſame in all Points, as they ſhould or ought to do, in Caſe ſuch felonious Stroke, and Death thereby enſuing, or Poiſoning, and Death thereof enſuing, had grown all in one and the ſame County. *And moreover*, That ſuch Party to whom Appeal of Murder is or ſhall be given by the Law, may commence, take and ſue Appeal of Murder in the ſame County where the Party felonioufly ſtricken or poiſoned, ſhall die, as well againſt the Principal and Principals, as againſt every Acceſſary to the ſame Offences, in whatſoever County or Place the Acceſſary or Acceſſaries ſhall be guilty to the ſame; and the Juſtices before whom any ſuch Appeal ſhall be commenced, ſued and taken, within the Year and Day after ſuch Murder and Manſlaughter committed and done, ſhall proceed againſt all and every ſuch Principal and Principals, Acceſſary and Acceſſaries, in the ſame County where ſuch Appeal ſhall be ſo taken, in like Manner and Form as if the ſame Offence or Offences had been committed and done in the ſame County where ſuch Appeal ſhall be ſo taken; as well concerning the Trial by the Jurors of the County where ſuch Appeal or Appeals ſhall be taken, upon the Plea of not guilty, pleaded by ſuch Offender or Offenders, as otherwiſe. *And further*, That where any Murder or Felony ſhall be committed and done in one County, and another Perſon, or more Perſons ſhall be Acceſſary or Acceſſaries in any Manner of wiſe to any ſuch Murder or Felony, in any other County, then an Indictment found and taken againſt

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ſuch Acceſſary and Acceſſaries, upon the Circumſtance of ſuch Matter, before the Juſtices of the Peace, or other Juſtices or Commiſſioners having Authority to enquire of Felonies in the County where ſuch Offences of Acceſſary or Acceſſaries, in any Manner of wiſe, ſhall be committed or done, ſhall be as good and effectual in the Law, as if the ſaid principal Offence had been committed or done within the ſame County where the ſame Indictment againſt ſuch Acceſſary, ſhall be found; and the Juſtices of Gaol Delivery, or Juſtices authoriſed or aſſigned to hear and determine, or any two of them, of or in ſuch County where the Offence of any ſuch Acceſſary ſhall be committed and done, upon Suit to them made, ſhall write to the Clerk or Keeper of the Records where ſuch Principal ſhall be attainted or convicted, to certify them whether ſuch Principal be attainted, convicted, or otherwiſe diſcharged of ſuch principal Felony, who, upon ſuch Writing to them, or any of them directed, ſhall make ſufficient Certificate in Writing, under his or their Seal or Seals, to the ſaid Juſtices, whether ſuch Principal be attainted, convicted, or otherwiſe diſcharged, or not; and after that they that ſo ſhall have the Cuſtody of ſuch Records do certify that ſuch Principal is attainted, convicted, or otherwiſe diſcharged of ſuch Offence, by the Law, then the Juſtices of Gaol Delivery, or Juſtices authoriſed or aſſigned to hear and determine ſuch Offences, or other Juſtices thereunto authoriſed, ſhall proceed upon every ſuch Acceſſary, in the County where ſuch Acceſſary or Acceſſaries became acceſſary, in ſuch Manner and Form, as if both the principal Offence, and Acceſſary, had been committed and done in the ſaid County where the Offence of Acceſſary was, or ſhall be committed or done; and that every ſuch Acceſſary, and other Offenders above expreſſed, ſhall anſwer upon their Arraignments, and receive ſuch Trial, Judgment, Order and Execution, and ſuch Forfeitures, Pains and Penalties, as is uſed in other Caſes of Felony.

Stealing Bills, Bonds, Notes or public Securities, deemed Felony.

IX. *And be it further Enacted by the Authority aforeſaid*, That if any Perſon or Perſons ſhall ſteal, or take by Robbery, any Bill of Exchange, Bond, Order, Warrant, Bill or Promiſſory Note, for Payment of any Money, or any Certificate, or other public Security, iſſued or to be iſſued by the Authority of the United States in Congreſs aſſembled, or by Authority of the Legiſlature of this State, for Payment of Money, or acknowledging the Receipt of Money or Goods, being the Property of any other Perſon or Perſons, or of any Corporation, notwithſtanding any of the ſaid Particulars are, or may be termed in Law, a *Choſe* in Action, it ſhall be deemed and conſtrued to be Felony, of the ſame Nature, and in the ſame Degree, and in the ſame Manner, as it would have been, if the Offenders had ſtolen or taken by Robbery, any other Goods of like Value, with the Money due on ſuch Bill, Bond, Order, Warrant, or Note, or Certificate, or other public Security, or ſecured thereby, and remaining unſatisfied; and ſuch Offender ſhall ſuffer ſuch Puniſhment as he or ſhe ſhould or ought to have done, if he or ſhe had ſtolen other Goods of the like Value with the Money due on ſuch Bill, Bond, Order, Warrant, or Note, or Certificate, or public Security, reſpectively, or ſecured thereby, and remaining unſatisfied.

Buyers and Receivers of ſtolen Goods deemed Acceſſaries after the Fact;

But may be puniſhed for a Miſdemeanor, without convicting the Principal.

X. *And be it further Enacted by the Authority aforeſaid*, That if any Perſon ſhall buy or receive any Goods or Chattels, of any Value whatſoever, that ſhall be felonioufly taken or ſtolen from any other Perſon, knowing the ſame to be ſtolen, he or ſhe ſhall be taken and deemed an Acceſſary to ſuch Felony after the Fact, and ſhall incur the ſame Puniſhment as an Acceſſary to the Felony, after the Felony committed. *And further*, That it ſhall and may be lawful to proſecute and puniſh every ſuch Perſon buying or receiving any ſtolen Goods, knowing the ſame to be ſtolen, as for a Miſdemeanor, to be puniſhed by Fine and Impriſonment, although the principal Felon be not before

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convicted of the ſaid Felony, which ſhall exempt the Offender from being puniſhed as Acceſſary, if the Principal ſhall be afterwards convicted; any Law to the Contrary notwithſtanding.

When any principal Felon is convicted, the Acceſſaries may be proceeded againſt, altho' ſuch Principal is pardoned before Attainder.

XI. *And be it further Enacted by the Authority aforeſaid*, That if any principal Felon ſhall be convicted of any Felony, it ſhall and may be lawful to proceed againſt any Acceſſary, either before or after the Fact, in the ſame Manner as if ſuch principal Felon had been attainted thereof, notwithſtanding any ſuch principal Felon ſhall be pardoned, or otherwiſe delivered before Attainder; and every ſuch Acceſſary ſhall ſuffer the ſame Puniſhment, if he or ſhe be convicted, as he or ſhe ſhould have ſuffered, if the Principal had been attainted.

Juſtices of the Supreme Court may ſend Felons into the Counties where the Offences are committed.

XII. *And be it further Enacted by the Authority aforeſaid*, That the Juſtices of the Supreme Court ſhall have full Power and Authority, by their Diſcretion, to remand and ſend down, as well the Bodies of all Felons and Murderers brought or removed, or that ſhall be removed or brought before the People of the State of *New-York*, in their Supreme Court, as the Indictments againſt ſuch Felons and Murderers, into the ſaid Counties where the ſame Murders and Felonies were or ſhall have been committed and done; and to command all Juſtices of Gaol Delivery, Juſtices of the Peace, and all other Juſtices and Commiſſioners having Authority to hear and determine the ſame Felonies, and every of them, to proceed and determine upon all the aforeſaid Bodies and Indictments ſo removed, according to Law, in ſuch Manner as the ſame Juſtices of Gaol Delivery, Juſtices of the Peace, or Commiſſioners, or any of them, might or ſhould have done, if the ſaid Priſoners or Indictments had never been brought into the ſaid Supreme Court.

Writs of *Habeas Corpus*, or *Certiorari*, to be ſigned by one of the Juſtices of the Court awarding the ſame.

XIII. *And be it further Enacted by the Authority aforeſaid*, That no Writs of *Habeas Corpus*, or *Certiorari*, ſhall be hereafter granted to remove any Priſoner out of any Gaol, or to remove any Indictment, Inquiſition, Recognizance, Record or other Thing, except the ſame Writs be ſigned with the proper Hand of one of the Juſtices of the Court out of which the ſame Writs ſhall be awarded; and every ſuch Writ not ſigned as aforeſaid, ſhall be void and of none Effect.

Foreign Pleas how to be tried.

XIV. *And be it further Enacted by the Authority aforeſaid*, That all Manner of foreign Pleas, triable by the Country, hereafter to be pleaded by any Perſon or Perſons arraigned upon any Indictment, or Appeal, for any Treaſon, Murder or Felony, ſhall be forthwith tried before the ſame Juſtices before whom ſuch Perſon or Perſons ſhall be arraigned, and by the ſame Jurors of the ſame County that ſhall try the Treaſon, Murder or Felony, whereof he, ſhe or they ſhall be ſo arraigned, without any further Reſpite or Delay, in whatſoever County or Counties, Place or Places, the Matter of the ſame Pleas be ſuppoſed or alledged.

Peremptory Challenge not to exceed *Twenty*.

XV. *And be it further Enacted by the Authority aforeſaid*, That no Perſon arraigned for any Murder or Felony, ſhall be admitted to any peremptory Challenge above the Number of *Twenty*; and if any Perſon arraigned for any Murder or Felony, ſhall peremptorily challenge above the Number of *Twenty* of the Jurors returned for the Trial of ſuch Perſon, ſuch Challenge ſhall be diſallowed, and the Trial ſhall proceed as if no ſuch Challenge had been made.

Indictors ſhall not be put on the Petit Jury.

XVI. *And be it further Enacted by the Authority aforeſaid*, That no Indictor of any Perſon or Perſons, for any Crime or Offence whatſoever, ſhall be put upon the Inqueſt for the Trial of ſuch Perſon or Perſons, if he be challenged for the ſame Cauſe, by him, her or them ſo indicted.

XVII. *And*

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Witneſſes allowed to Felons, and compellable to appear.

XVII. *And be it further Enacted by the Authority aforeſaid*, That every Perſon who ſhall be arraigned or tried of or for any Felony, ſhall be admitted to make any Proof that he or ſhe can produce, by lawful Witneſs or Witneſſes, who ſhall then be upon Oath, for his or her juſt Defence in that Behalf; and ſhall have the like Proceſs of the Court where he or ſhe ſhall be tried, to compel his or her Witneſſes to appear for him or her at ſuch Trial, as is uſually granted to compel Witneſſes to appear againſt him or her.

The Words, *with Force and Arms*, not neceſſary in Indictments or Inquiſitions.

XVIII. *And be it further Enacted by the Authority aforeſaid*, That from henceforth the Words, *with Force and Arms*, or any ſuch like Words, ſhall not of Neceſſity be put or compriſed in any Inquiſition or Indictment of Treaſon, Murder, Felony, Treſpaſs, or any other Offence; and that no Party or Parties, being hereafter indicted of any Offence, ſhall have or take any Advantage, by Writ or Writs of Error, Plea or otherwiſe, to annul or avoid any ſuch Inquiſition or Indictment, for that that the Words, *with Force and Arms*, or any ſuch like Words, ſhall not be put or compriſed in the ſaid Inquiſitions or Indictments; but that the ſame Inquiſitions and Indictments, and every of them, lacking the ſaid Words, *with Force and Arms*, or any ſuch like Words, ſhall from henceforth be taken, deemed and adjudged, to all Intents, Conſtructions and Purpoſes, as good and effectual in the Law, as the ſame Inquiſitions and Indictments having the ſaid Words, *with Force and Arms*, compriſed and put in every of the ſame Inquiſitions and Indictments, were, or heretofore have been taken, deemed or adjudged.

Parties robbed to be reſtored to their Money, Goods or Chattels, if they proſecute the Offenders;

XIX. *And be it further Enacted by the Authority aforeſaid*, That if any Felon or Felons do rob or take away any Money, Goods or Chattels, from any Perſon or Perſons, from the Perſon or otherwiſe, and the ſaid Felon or Felons be thereof indicted, and after arraigned of the ſame Felony, and found guilty thereof, or otherwiſe attainted, by Reaſon of Evidence given by the Party ſo robbed, or Owner of the ſaid Money, Goods or Chattels, or by any other, by his, her or their Procurement, then the Party ſo robbed, or Owner, ſhall be reſtored to his or her ſaid Money, Goods and Chattels; and that as well Juſtices of Gaol Delivery, as other Juſtices before whom any ſuch Felon or Felons ſhall be found guilty, or otherwiſe attainted, by Reaſon of Evidence given by the Party ſo robbed, or Owner, or by any other by his or her Procurement, ſhall have Power by this Act, to award, from Time to Time, Writs of Reſtitution for the ſaid Money, Goods and Chattels, in like Manner as if ſuch Felon or Felons were attainted at the Suit of the Party in Appeal.

And Courts to award Writs of Reſtitution.

Perſons committed to bear the Charges thereof, if able;

XX. AND *whereas* the honeſt and faithful Citizens of this State, are often charged and burthened in conveying Felons, and other Malefactors and Offenders againſt the Laws, unto the Gaol, when the ſame Offenders have Goods and Chattels of their own, whereby to defray the ſame Charge themſelves, which tends to the Encouragement of ſuch Offenders, and to the Diſcouragement of the ſaid honeſt and faithful Citizens, in proſecuting the ſaid Felons, Malefactors and Offenders; Therefore, *Be it further Enacted by the Authority aforeſaid*, That all and every Perſon and Perſons whomſoever, who ſhall be committed to the common or uſual Gaol, in any City or County of this State, by any Juſtice or Juſtices of the Peace, for any Felony, Offence or Miſdemeanor, having Means or Ability thereunto, ſhall bear their own reaſonable Charges, for ſo conveying or ſending them to the ſaid Gaol, and the Charges alſo of ſuch as ſhall be appointed to guard them to the ſaid Gaol, and ſhall guard them thither; and if any ſuch Perſon ſo to be committed as aforeſaid, ſhall refuſe, at the Time of his or her Commitment and ſending to the ſaid Gaol, to defray the ſaid Charges, or ſhall not then pay or bear the ſame, then any Juſtice or Juſtices of the Peace of the County, ſhall and may, by Writing under his or their Hand and Seal, or Hands and Seals, after Conviction

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viction of the Perſon ſo committed, give Warrant to the Conſtable or Conſtables, or either of them, of the Town or Place where ſuch Perſon ſo committed, ſhall dwell or inhabit, or where he or ſhe ſhall have any Goods within the ſame City or County, to levy, by Diſtreſs and Sale of the Goods and Chattels of the ſaid Perſon ſo to be committed, ſo much Money as, by the Diſcretion of the ſaid Juſtice or Juſtices, ſhall ſatisfy and pay the Charges of his or her conveying and ſending to Gaol: And when any Perſon, not having Goods or Money within the City or County where he or ſhe ſhall be taken, ſufficient to bear the Charges of himſelf or herſelf, and of thoſe who convey him or her, is committed to Gaol, by Warrant from any Juſtice or Juſtices of the Peace, then, on Application by any Conſtable, or other Officer who conveyed him or her to Gaol as aforeſaid, to any Juſtice of the Peace for the ſame City or County, the Juſtice ſhall, upon Oath, examine into, and aſcertain the reaſonable Allowances to be made to ſuch Conſtable or other Officer, both for his Expences and Trouble; the ſaid Allowance for Trouble not to exceed *Sixpence* for each Mile that he ſhall travel to convey the ſaid Offender to Gaol, as aforeſaid; and the ſaid Juſtice ſhall forthwith, without Fee or Reward, by Warrant under his Hand and Seal, order the Treaſurer of the City or County to pay the ſame, which the ſaid Treaſurer is hereby required to do, as ſoon as he receives ſuch Warrant, and ſhall have Monies in his Hands.

Or if unable, ſuch Charges to be paid by the City or County.

XXI. And *whereas* many Perſons are deterred from proſecuting Perſons guilty of Felony, upon Account of the Expence attending ſuch Proſecutions, which is a great Cauſe and Encouragement of Felonies; In Order, therefore, to encourage the bringing Offenders to Juſtice, *Be it further Enacted by the Authority aforeſaid*, That it ſhall and may be in the Power of the Court before whom any Perſon ſhall have been tried and convicted of any Larceny, or other Felony, at the Prayer of the Proſecutor, and on Conſideration of his Circumſtances, in open Court, to order the Treaſurer of the City or County in which the Offence ſhall have been committed, to pay unto ſuch Proſecutor, ſuch Sum of Money as to the ſame Court ſhall ſeem reaſonable, not exceeding the Expences which it ſhall appear to the Court, the Proſecutor was put unto, in carrying on ſuch Proſecution, and making him a reaſonable Allowance for his Time and Trouble therein; which Order the Clerk of ſuch Court is hereby directed and required forthwith to make out and deliver to ſuch Proſecutor, upon being paid for the ſame, the Sum of *One Shilling*, and no more; and the Treaſurer of ſuch City or County is hereby authoriſed and required, upon Sight of ſuch Order, or as ſoon after as he ſhall have Monies ſufficient in his Hands, forthwith to pay to ſuch Proſecutor, or other Perſon authoriſed to receive the ſame, ſuch Sum of Money ſo ordered to be paid as aforeſaid.

Courts may order Expences, and an Allowance for the Time and Trouble of the Proſecutor, to be paid by the County;

XXII. And *whereas* the Expence, as well as Loſs of Time, in attending Courts of Juſtice, is a Diſcouragement to the poorer Sort, to appear as Witneſſes againſt Offenders, who thereby eſcape the public Juſtice, and the Puniſhment due to their Crimes; Therefore, *Be it further Enacted by the Authority aforeſaid*, That when any poor Perſon ſhall appear on Recognizance, in any Court, to give Evidence againſt another accuſed of any Larceny, or other Felony, it ſhall and may be in the Power of the Court, at the Prayer and on the Oath of ſuch Perſon, and on Conſideration of his or her Circumſtances, in open Court, to order the Treaſurer of the City or County in which the Offence ſhall have been committed, to pay unto ſuch Perſon, ſuch Sum of Money as to the ſaid Court ſhall ſeem reaſonable, for his or her Time, Trouble and Expence; which Order the Clerk of ſuch Court is hereby directed and required forthwith to make out and deliver to ſuch Perſon, without Fee or Reward; and ſuch Treaſurer is hereby authoriſed and required, upon Sight of ſuch Order, or as ſoon after as he ſhall have Monies ſufficient

And alſo of poor Witneſſes appearing on Recognizance.

ſufficient in his Hands, forthwith to pay to ſuch Perſon, or other Perſon authoriſed to receive the ſame, ſuch Sum of Money ſo ordered to be paid as aforeſaid.

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XXIII. *And be it further Enacted by the Authority aforeſaid*, That the Treaſurer of each City and County ſhall be allowed in his Accounts, all ſuch Sums as he ſhall pay upon any ſuch Warrant or Order as aforeſaid, which Sums ſhall be conſidered and deemed as Part of the contingent Charge of ſuch City or County; and that the ſeveral Treaſurers may be enabled to comply with ſuch Warrants and Orders, the Superviſors of the ſeveral Counties are hereby required to cauſe a Sum, ſufficient for the Purpoſes aforeſaid, to be raiſed, levied and collected in their reſpective Counties, yearly, in the ſame Manner as the contingent Charges of the ſame County are to be raiſed, levied and collected.

The County Treaſurers to be allowed ſuch Sums in their Accounts.

CHAP. XXXVIII.

An ACT *concerning Courts of Oyer and Terminer, and Gaol Delivery.*

Paſſed 22d February, 1788.

I. BE *it Enacted by the People of the State of* New-York, *repreſented in Senate and Aſſembly, and it is hereby Enacted by the Authority of the ſame*, That the Juſtices of the Supreme Court for the Time being, or any or either of them, together with the Mayor, Recorder and Aldermen of the City of *New-York*, for the Time being, or any three or more of them, of whom either of the Juſtices of the Supreme Court ſhall always be one, in and for the City and County of *New-York*, and, together with the Mayor, Recorder and Aldermen of the City of *Albany*, for the Time being, and the Judges and Aſſiſtant Juſtices of the Court of Common Pleas of the County of *Albany*, for the Time being, or any three or more of them, of whom either of the Juſtices of the Supreme Court ſhall always be one, in and for the City and County of *Albany*, and, together with the Judges and Aſſiſtant Juſtices of the reſpective Courts of Common Pleas of each and every of the other Counties of this State for the Time being, or any three or more of them, of whom either of the Juſtices of the Supreme Court ſhall always be one, in and for each of the ſame Counties, reſpectively, ſhall be, and hereby are authoriſed and empowered, by Virtue of their reſpective Offices, and this Act, without any other Commiſſion, from Time to Time, for ever hereafter, at ſuch Times and Places in each of the ſaid Cities and Counties reſpectively, as the ſame Juſtices of the Supreme Court, or any or either of them ſhall, hold the Circuit Court in the ſame Cities or Counties reſpectively, to enquire, by the Oath of good and lawful Men, of the ſame Cities and Counties reſpectively, and by other Ways, Methods and Means, by whom and by which the Truth of the Matter may be the better known, of whatſoever Treaſons, Miſpriſion of Treaſons, Inſurrections, Rebellions, Murders, Felonies, Homicides, Killings, Burglaries, Rapes of Women, Counterfeitings, unlawful Congregations and Aſſemblies, Miſpriſions, Confederacies, falſe Allegations, Treſpaſſes, Riots, Routs, Extortions, Eſcapes, Contempts, Falſities, Negligencies, Concealments, Maintenances, Oppreſſions, Champerties, Conſpiracies, Deceits, and other Miſdoings, Offences and Injuries whatſoever, and alſo of the Acceſſaries to them, in the ſame Cities and Counties reſpectively, by whomſoever and howſoever had, done, perpetrated or committed, or at any Time hereafter, to be had, done, perpetrated or committed, and by whom, to whom, when, where and how, and in what Manner; and of all other Articles and Circumſtances concerning the Premiſes and every of them, or any one or more of them, in any Manner whatſoever; and the ſaid Treaſons, and other the Premiſes, to hear and determine according to the Law

The Juſtices of the Supreme Court, or any of them, with the Mayor, &c. of *New-York*, in that City; and with the Mayor, &c. and Judges, &c. of *Albany*, in that County; and with the Judges, &c. of each of the other Counties, without any other Commiſſion, to hold Courts of Oyer and Terminer, and Gaol Delivery, at the Times and Places of holding the Circuit Courts in the ſaid reſpective Cities and Counties,

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of this State, doing therein that which to Juſtice doth or ſhall appertain; and alſo to deliver the Gaols in the ſame Cities and Counties reſpectively, of the Priſoners therein then being, doing therein what to Juſtice doth or ſhall appertain, according to the Law of this State. *And further*, That each and every of the ſaid Courts ſhall be held and continued in each and every of the ſaid Cities and Counties, for ſo long Time at each Seſſion, as may be neceſſary to diſpatch the Buſineſs in the ſame City or County, whether the Circuit Court for Trial of Iſſues in the ſame City or County, be then ſo long continued or not.

And to continue as long as may be neceſſary.

II. *And be it further Enacted by the Authority aforeſaid*, That the Sheriff of the City and County of *New-York*, for the Time being, and the reſpective Sheriffs of each and every of the other Counties in this State, for the Time being, ſhall cauſe to come before the Juſtices of the Supreme Court for the Time being, and ſuch other Perſons as are by this Act authoriſed and empowered to enquire, hear and determine as aforeſaid, and to deliver the Gaols in the ſeveral Cities and Counties of this State reſpectively, as aforeſaid, or any three or more of them, of whom either of the Juſtices of the Supreme Court ſhall always be one, at every Circuit Court to be held in the ſame Cities and Counties reſpectively, *Twenty-four* good and lawful Men of the ſame Cities and Counties reſpectively, to enquire for the People of the State of *New-York*, and the Bodies of the ſame Cities and Counties reſpectively, and to do and receive all thoſe Things which, on the Behalf of the People of the State of *New-York*, ſhall be then and there enjoined them; and alſo all the Priſoners then being in the ſaid Gaols reſpectively, together with their Attachments, Indictments, and all other Minuments, any ways concerning thoſe Priſoners; and likewiſe ſo many good and lawful Men of the ſame Cities and Counties reſpectively, duly qualified to ſerve as Jurors in the ſame Cities and Counties, as the ſame Juſtices of the Supreme Court, and other Perſons hereby authoriſed and empowered to enquire, hear and determine as aforeſaid, and to deliver the ſame Gaols as aforeſaid, or any three or more of them, of whom either of the Juſtices of the Supreme Court always to be one, ſhall, from Time to Time, direct, by whom the Truth of the Matter may be the better known and enquired into, and who have no Affinity to thoſe Priſoners. And the ſaid reſpective Sheriffs ſhall cauſe to be publicly proclaimed, throughout their reſpective Bailiwicks and Counties, that all thoſe who will proſecute againſt thoſe Priſoners, be then and there to proſecute againſt them as ſhall be juſt; and ſhall alſo give Notice to all Juſtices of the Peace, Coroners, Bailiffs and Conſtables within their reſpective Bailiwicks and Counties, that they be then and there in their own Perſons, with their Rolls, Records, Indictments, and other Remembrances, to do thoſe Things which to their Offices in that Behalf ſhall appertain to be done. And the ſaid reſpective Sheriffs, and their reſpective Under Sheriffs, together with their reſpective Bailiffs, and other Officer, ſhall then and there attend in their own proper Perſons, to do thoſe Things which to their Offices do or ſhall appertain in that Behalf to be done. *And further*, That the Clerk of the Supreme Court for the Time being, ſhall, from Time to Time, as ſoon as conveniently may be, after any and every Circuit Court ſhall be appointed to be held in the reſpective Cities and Counties of this State, and at leaſt *fifteen* Days before the Time of holding the ſaid Courts, reſpectively, in the ſaid reſpective Cities and Counties, iſſue Precepts under the Seal of the ſame Supreme Court, directed to the reſpective Sheriffs of the ſame Cities and Counties reſpectively, for the Purpoſes aforeſaid, mentioning the Day and Place when and where the ſame Courts are to be held, and commanding the ſame Sheriffs reſpectively, to do what is hereby required of them; and that the ſaid Precepts ſhall always be in the Name of the People of the State of *New-York*, and be teſted in the Name of the Chief Juſtice of the ſame Supreme Court. *Provided*, That

Sheriffs to return at ſuch Courts,

24 Grand Jurors,

And Petit Juries,

And notify Proſecutors and Officers to attend,

And with their Officers to attend the Court,

Clerk of the Supreme Court, to iſſue Precepts to the reſpective Sheriffs for the Purpoſes aforeſaid.

That in Caſe the Office of Chief Juſtice ſhall be vacant, the Precepts ſhall be teſted in the Name of the next ſenior Juſtice of the ſaid Supreme Court.

III. *And be it further Enacted by the Authority aforeſaid*, That nothing in this Act ſhall extend to authoriſe the Mayor, Recorder and Aldermen of the City of *New-York*, or any or either of them, to ſit or act as Juſtices of the ſaid Courts of Oyer and Terminer, and Gaol Delivery, or either of them, in any Place out of the City of *New-York;* nor to authoriſe the Mayor, Recorder and Aldermen of the City of *Albany*, or any or either of them, or the Judges and Aſſiſtant Juſtices of the Court of Common Pleas of the County of *Albany*, or any or either of them, to ſit or act as Juſtices of the ſaid Courts of Oyer and Terminer, and Gaol Delivery, or either of them, in any Place out of the ſaid County of *Albany;* nor to authoriſe the Judges and Aſſiſtant Juſtices of the Courts of Common Pleas of any of the other Counties of this State, or any or either of them, to ſit or act as Juſtices of the ſaid Courts of Oyer and Terminer, and Gaol Delivery, or either of them, in any Place out of their reſpective Counties.

No Mayor, Recorder Alderman, Judge or Aſſiſtant Juſtice, to be a Commiſſioner out of his own City or County.

IV. *And be it further Enacted by the Authority aforeſaid*, That it ſhall and may be lawful for the Perſon adminiſtring the Government of this State for the Time being, by and with the Advice and Conſent of the Council of Appointment for the Time being, to grant and iſſue Commiſſions of Oyer and Terminer, and Gaol Delivery, or either of them, in the Manner and Form heretofore uſed, at any Time or Times hereafter, when and as often as Occaſion ſhall require: But the Juſtices of the Supreme Court for the Time being, ſhall always be named in ſuch Commiſſions as the Juſtices or Commiſſioners, with ſuch others as the Perſon adminiſtring the Government of this State, by and with the Advice and Conſent of the Council of Appointment, may think proper to execute the ſame; and no ſuch Commiſſion ſhall at any Time be executed, nor any Proceedings thereupon had, without the Preſence of one or more of the Juſtices of the Supreme Court.

Governor, with Advice of Council of Appointment, may iſſue Commiſſions of Oyer and Terminer, and Gaol Delivery; but Juſtices of the Supreme Court to be named in ſuch Commiſſion.

V. *And be it further Enacted by the Authority aforeſaid*, That it ſhall and may be lawful for the Juſtices hereby authoriſed and empowered to enquire, hear and determine Felonies as aforeſaid, and for all other Juſtices who ſhall be duly aſſigned to hear and determine any ſuch Felonies, to direct their Writs into all the Cities and Counties of this State, where Need ſhall be, to arreſt and take ſuch Perſons as ſhall be indicted or appealed before them, or any of them.

Courts of Oyer and Terminer may direct their Proceſs into any City or County.

VI. *And be it further Enacted by the Authority aforeſaid*, That no Manner of Proceſs or Suit, made, ſued or had, or hereafter to be made, ſued or had, before any Juſtices of Aſſiſe, Juſtices of Gaol Delivery, Oyer and Terminer, or other Commiſſioners of the People of this State, ſhall in any wiſe be diſcontinued by the making and publiſhing of any new Commiſſion or Aſſociation, or by altering the Names of the Juſtices of Aſſiſe, Gaol Delivery, and Oyer and Terminer, or other Commiſſioners, but that the new Juſtices of Aſſiſe, Gaol Delivery, Oyer and Terminer, and other Commiſſioners, ſhall and may proceed, in every Behalf, as the old Juſtices and Commiſſioners might have done, if their Commiſſions and Authority had ſtill remained and continued not altered.

No Suit or Proceſs to be diſcontinued by Appointment of new Commiſſioners.

VII. *And be it further Enacted by the Authority aforeſaid*, That in all Caſes where any Perſon or Perſons heretofore have been, or hereafter ſhall be found guilty of any Manner of Treaſon, Murder, Rape, or other Felony whatſoever, for which Judgment of Death ſhould or may enſue, and ſhall be reprieved without Judgment at that Time given againſt him, her or them,

Juſtices of Gaol Delivery to give Judgment againſt Perſons convicted before others.

ſo

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ſo found guilty, that thoſe Perſons who, at any Time hereafter, ſhall, by Virtue of this Act, deliver the Gaol where any ſuch Perſon or Perſons ſo found guilty, ſhall remain, or thoſe Perſons who ſhall, at any Time hereafter, by Commiſſion, be aſſigned Juſtices to deliver the ſame Gaol, ſhall have full Power and Authority to give Judgment of Death againſt ſuch Perſon and Perſons ſo found guilty and reprieved, as the ſame Juſtices before whom ſuch Perſon or Perſons was or were found guilty, might have done, if their Commiſſion or Authority had remained and continued in full Force and Strength.

Records and Proceſs to be ſent yearly to the Exchequer.

VIII. *And be it further Enacted by the Authority aforeſaid*, That the Juſtices of Aſſiſe, Gaol Delivery, and Oyer and Terminer, ſhall, once in every Year, ſend all their Records and Proceſſes, determined and put in Execution, to the Exchequer, there to remain of Record.

No Perſon to ſit with the Juſtices on the Bench.

IX. *And be it further Enacted by the Authority aforeſaid*, That no Perſon, little or great, ſhall ſit upon the Bench with the Juſtices to take Aſſiſes, or with the Juſtices of Oyer and Terminer, and Gaol Delivery, in their Seſſion, upon Pain of Fine and Impriſonment. And the ſaid Juſtices are hereby charged, that they do not ſuffer any Perſon to ſit with them on the Bench in their Seſſion, contrary to the Intent of this Act.

Courts of Gaol Delivery may try Priſoners indicted before Juſtices of the Peace.

X. *And be it further Enacted by the Authority aforeſaid*, That the ſaid Courts of General Gaol Delivery, in the ſeveral Cities and Counties, ſhall have Power to deliver the Gaols of thoſe Priſoners who ſhall be indicted before the Juſtices of the Peace, in the ſame Cities and Counties reſpectively.

CHAP. XXXIX.

An ACT *to continue the Acts for the Appointment of an Auditor, and the Settlement of the Public Accounts of this State.*

Paſſed 22d February, 1788.

† *9th Seſſ. Ch.* 20.

Former Act continued to 21ſt *March*, 1790.

I. BE *it Enacted by the People of the State of* New-York, *repreſented in Senate and Aſſembly, and it is hereby Enacted by the Authority of the ſame*, That the Act, entitled, † *An Act further to continue and amend an Act, entitled, An Act for the Appointment of an Auditor, and the Settlement of the public Accounts of this State*, ſhall be, and hereby is continued in full Force and Virtue, to all Intents and Purpoſes, until the Twenty-firſt Day of *March*, which will be in the Year of our Lord One Thouſand Seven Hundred and Ninety.

‡ 10*th Seſſ. Ch.* 76. Time for the Payment of Quit Rents & Commutation, extended to 1ſt *May*, 1789.

Auditor directed to do the Duty required of the Treaſurer, by the Acts reſpecting Quit Rents.

‖ 9*th Seſſ. Ch.* 23.

II. *And be it further Enacted by the Authority aforeſaid*, That the Time limited for the Payment of Quit Rents, and Commutation for annual Quit Rents, in and by the firſt Section of the Act, entitled, ‡ *An Act to amend an Act, entitled, An Act for the Collection and Commutation of Quit Rents*, ſhall be, and hereby is extended to the firſt Day of *May*, which will be in the Year One Thouſand Seven Hundred and Eighty-nine. *And further*, That it ſhall and may be lawful for the Auditor of this State for the Time being, and he is hereby required to do and perform every Act, Matter and Thing, which the Treaſurer is directed to do and perform in and by the ſaid Act, and in and by the Act, entitled, ‖ *An Act for the Collection and Commutation of Quit Rents.*

CHAP. XL.

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Inde. *U. S.* XII.

An ACT *concerning Slaves.*

Paſſed 22d February, 1788.

WHEREAS in Conſequence of the Act, directing a Reviſion of the Laws of this State, it is expedient that the ſeveral exiſting Laws, relative to Slaves, ſhould be reviſed, and compriſed in one; Therefore, Preamble.

I. *Be it Enacted by the People of the State of* New-York, *repreſented in Senate and Aſſembly, and it is hereby Enacted by the Authority of the ſame,* That every Negro, Mulatto or Meſtee, within this State, who at the Time of the paſſing of this Act, is a Slave for his or her Life, ſhall continue ſuch for and during his or her Life, unleſs he or ſhe ſhall be manumitted or ſet free in the Manner preſcribed in and by this Act, or in and by ſome future Law of this State. Perſons who are Slaves to continue ſuch, unleſs manumitted.

II. *And be it further Enacted by the Authority aforeſaid,* That the Children of every Negro, Mulatto or Meſtee Woman, being a Slave, ſhall follow the State and Condition of the Mother, and be eſteemed, reputed, taken and adjudged Slaves, to all Intents and Purpoſes whatſoever. Children of Women Slaves to follow the Condition of the Mother.

III. *And be it further Enacted by the Authority aforeſaid,* That the baptizing of any Negro, or other Slave, ſhall not be deemed, adjudged or taken to be a Manumiſſion of ſuch Slave. Baptiſm, no Manumiſſion to Slaves.

IV. AND to prevent the further Importation of Slaves into this State; *Be in further Enacted by the Authority aforeſaid,* That if any Perſon ſhall ſell, as a Slave, within this State, any Negro or other Perſon who has been imported or brought into this State, after the firſt Day of *June,* in the Year of our Lord One Thouſand Seven Hundred and Eighty-five, or who ſhall be imported or brought into this State after the paſſing of this Act, ſuch Seller, or his or her Factor or Agent, making ſuch Sale, ſhall be deemed guilty of a public Offence, and ſhall, for every ſuch Offence, forfeit the Sum of *One Hundred Pounds,* current Money of this State, to be recovered by any Perſon who will ſue for the ſame, with Coſts of Suit, by Action of Debt, in any Court of Record within this State, having Cognizance thereof; the one Half of which Forfeiture, when recovered, to be paid to the Treaſurer of this State, for the Uſe of the People thereof; and the other Half to the Perſon who ſhall ſue for the ſame to Effect. *And further,* That every Perſon, ſo imported or brought into this State, and ſold contrary to the true Intent and Meaning of this Act, ſhall be free. Any Perſon ſelling a Slave brought into this State after firſt *June,* 1785, to forfeit 100l. And ſuch Slave to be free.

V. *And be it further Enacted by the Authority aforeſaid,* That if any Perſon ſhall, at any Time, purchaſe or buy, or ſhall, as Factor or Agent to another, take or receive, any Slave with Intent to remove, export or carry ſuch Slave from this State, to any other Place without this Sate, and there to be ſold; the Perſon ſo purchaſing or buying, or ſo, as Factor or Agent, receiving or taking a Slave, with ſuch Intent as aforeſaid, ſhall be deemed to have committed an Offence againſt the People of this State, and ſhall, for every ſuch Offence, forfeit the Sum of *One Hundred Pounds,* to be recovered, with Coſts, by any Perſon who will ſue for the ſame; the one Moiety to the Uſe of the People of this State, and the other Moiety to the Uſe of the Perſon who will ſue for the ſame; and the Slave ſo purchaſed, bought, taken or received, ſhall be immediately after he or ſhe ſhall be ſo purchaſed, bought, received or taken, and hereby is declared to be free. Any Perſon buying or receiving a Slave, with Intent to remove ſuch Slave out of this State to be ſold, to forfeit 100l. And ſuch Slave to be free.

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Perſons employing or harbouring, &c. Slaves, without Conſent of the Owners, to forfeit 5l. for every 24 Hours.

VI. *And be it further Enacted by the Authority aforeſaid*, That if any Perſon or Perſons ſhall, after the paſſing of this Act, employ, harbour, conceal or entertain any Negro, or other Slave, knowing ſuch Negro or other Slave to be the Slave of any other Perſon or Perſons, without the Conſent of the Owner or Owners of ſuch Slave, he, ſhe or they ſhall forfeit to the Owner or Owners of ſuch Slave, the Sum of *Five Pounds* for every Twenty-four Hours, and in that Proportion for a greater or leſs Time, while ſuch Slave ſhall have been employed, harboured, concealed or entertained, as aforeſaid; but that ſuch Forfeiture ſhall not in the Whole exceed the Value of ſuch Slave. *And further*, That if any Perſon or Perſons ſhall be found guilty of harbouring, entertaining or concealing any Slave, or of aſſiſting to convey him or her away, and if ſuch Slave ſhall be loſt, die or be otherwiſe deſtroyed, the Perſon or Perſons ſo harbouring, entertaining, concealing, aſſiſting, or conveying away ſuch Slave, ſhall be liable to pay to the Owner or Owners of ſuch Slave, the Value thereof; which ſeveral Sums of Money ſhall and may be recovered, by Action of Debt, with Coſts of Suit, in any Court of Record having Cognizance thereof.

Penalty on trading with Slaves.

VII. *And be it further Enacted by the Authority aforeſaid*, That no Perſon or Perſons ſhall trade or traffic with any Slave or Slaves, either in buying or ſelling, without Leave or Conſent of the Maſter or Miſtreſs of ſuch Slave or Slaves, on Pain of forfeiting treble the Value of the Thing or Things traded for; and alſo, the Sum of *Five Pounds*, to the Maſter or Miſtreſs of ſuch Slave or Slaves, for each Offence, to be recovered, with Coſts, againſt the Perſon or Perſons ſo trading contrary to the true Intent and Meaning of this Act, by Action of Debt, in any Court having Cognizance thereof. *And further*, That every Contract or Bargain ſo made, or to be made, with any Slave or Slaves, without Conſent of his, her or their Maſter or Miſtreſs, ſhall be utterly void.

Penalty on ſelling Liquor to Slaves.

VIII. *And be it further Enacted by the Authority aforeſaid*, That if any Perſon or Perſons ſhall ſell any Rum or other ſtrong Liquor, to any Slave or Slaves, without the Conſent of his or her Maſter or Miſtreſs, and ſhall thereof be convicted, upon Complaint made by the Maſter or Miſtreſs of ſuch Slave or Slaves, before any Juſtice of the Peace, Mayor, Recorder or Alderman, in the City or County where the Offender ſhall dwell or reſide, ſhall forfeit and pay the Sum of *Forty Shillings* for every ſuch Offence, to be recovered, with Coſts, before any ſuch Juſtice, Mayor, Recorder or Alderman; the one Half of which Forfeiture, when recovered, ſhall be paid to ſuch Maſter or Miſtreſs, and the other Half to the Overſeers of the Poor of the City or Town where ſuch Offence is committed.

Owners of Slaves to be anſwerable for their Treſpaſſes to the Value of 5l.

IX. *And be it further Enacted by the Authority aforeſaid*, That if any Perſon or Perſons ſhall, by Theft, or other Treſpaſs committed by any Slave or Slaves, ſuſtain Damages to the Value of *Five Pounds* or under, the Owner or Owners of ſuch Slave or Slaves, ſhall be liable to make Satisfaction for ſuch Damages to the Party injured, to be recovered by Action of Debt, with Coſts of Suit, in Manner aforeſaid.

Slaves ſtriking white Perſons, how to be tried and puniſhed.

X. *And be it further Enacted by the Authority aforeſaid*, That if any Slave ſhall ſtrike a white Perſon, it ſhall be lawful for any Juſtice of the Peace to commit ſuch Slave to Priſon; and ſuch Slave ſhall thereupon be tried and puniſhed, in the Manner directed in Caſes of Petit Larceny, in and by the Act, entitled, ‡ *An* Act *for the ſpeedy Puniſhment of ſuch Perſons as ſhall commit any Offences under the Degree of Grand Larceny.*

XI *And*

‡ *There is no Act with this Title: It is ſuppoſed that the Act intended is* 10*th Seſſ. Ch.* 65.

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XI. *And be it further Enacted by the Authority aforeſaid*, That all Negroes and other Perſons whatſoever, commonly reputed and deemed Slaves, ſhall, for ever hereafter, have the Privilege of being tried by a Jury, in all capital Caſes, according to the Courſe of the Common Law.

Slaves to be tried by Juries in capital Caſes.

XII. *And be it further Enacted by the Authority aforeſaid*, That from and after the paſſing of this Act, no Slave ſhall be admitted a Witneſs for or againſt any Perſon, in any Matter, Cauſe or Thing whatſoever, civil or criminal, except in criminal Caſes in which the Evidence of one Slave ſhall be admitted for or againſt another Slave.

Slaves not to be Witneſſes, except in criminal Caſes againſt each other.

XIII. *And be it further Enacted by the Authority aforeſaid*, That from and after the paſſing of this Act, no Perſon or Perſons within this State, ſhall knowingly and willingly ſuffer, or permit his, her or their Slave to go about begging of others, Victuals, Cloathing, or other Neceſſaries; and if any Perſon or Perſons ſhall be guilty of an Offence againſt this Clauſe of this Act, he, ſhe or they ſhall, for every ſuch Offence, forfeit the Sum of *Ten Pounds*, to be recovered by Action of Debt, with Coſts of Suit, in any Court of Record within this State, by any Perſon or Perſons who will ſue for the ſame; the one Half of which Forfeiture, when recovered, to be paid to the Overſeers of the Poor of the City or Town where ſuch Offence ſhall be committed, and the other Half to the Perſon or Perſons who ſhall ſue and proſecute for the ſame to Effect.

Penalty on Perſons ſuffering their Slaves to go about begging.

XIV. *And be it further Enacted by the Authority aforeſaid*, That if any Perſon or Perſons ſhall, by any colluſive Conveyance, or fraudulent Agreement, ſell or diſpoſe, or pretend to ſell, or diſpoſe of any aged or decrepid Slave, to any Perſon or Perſons, who is, or are unable to keep and maintain ſuch Slave or Slaves, ſuch Sale or pretended Sale, ſhall be abſolutely void, and the Perſon or Perſons making ſuch Sale or pretended Sale, ſhall forfeit the Sum of *Twenty Pounds* for each Offence; and ſhall, moreover, be deemed the Owner or Owners of ſuch Slave or Slaves, within the true Intent and Meaning of the next preceding Section of this Act; which Forfeitures ſhall be recovered and applied in the Manner directed in and by the ſaid Section.

Penalty on Perſons ſelling Slaves to others unable to maintain them.

XV. *And be it further Enacted by the Authority aforeſaid*, That when the Owner or Owners of any Slave under *fifty* Years of Age, and of ſufficient Ability to provide for himſelf or herſelf, ſhall be diſpoſed to manumit ſuch Slave, he, ſhe or they ſhall, previous thereto, procure a Certificate, ſigned by the Overſeers of the Poor, or the major Part of them, of the City, Town or Place, and of two Juſtices of the Peace of the County where ſuch Perſon or Perſons ſhall dwell or reſide, and if in the Cities of *New-York* or *Albany*, then, from the Mayor or Recorder, and any two of the Aldermen, certifying that ſuch Slave appears to be under *fifty* Years of Age, and of ſufficient Ability to provide for himſelf or herſelf, and ſhall cauſe ſuch Certificate of Manumiſſion to be regiſtered in the Office of the Clerk of the City, Town or Place in which the Owner or Owners of ſuch Slave may reſide; that then it ſhall be lawful for ſuch Perſon or Perſons to manumit ſuch Slave, without giving or providing any Security to indemnify ſuch City, Town or Place: And every Slave, ſo manumitted, ſhall be deemed, adjudged and taken to be free, and the Clerk for regiſtering ſuch Certificate, ſhall be entitled to *Two Shillings*, and no more.

How Slaves, under 50 Years of Age, may be manumitted.

XVI. *And be it further Enacted by the Authority aforeſaid*, That if any Perſon, by his or her laſt Will and Teſtament, ſhall give his or her Slave Freedom, ſuch Slave being, at the Death of the Teſtator or Teſtatrix, under *fifty* Years of Age, and alſo of ſufficient Ability to provide for himſelf or herſelf, to

Slaves under 50 Years of Age, may be manumitted by Will.

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to be certified in Manner aforeſaid; ſuch Freedom, given as aforeſaid, ſhall, without any Security to indemnify the City, Town or Place, be deemed, taken and adjudged to be good and valid, to all Intents and Purpoſes. *And further*, That if the Owner or Owners of any other Slave, ſhall be diſpoſed to manumit and ſet at Liberty ſuch Slave, and ſuch Owner or Owners, or any other ſufficient Perſon, for or in Behalf of ſuch Slave, ſhall and do, at the Court of General Seſſions of the Peace for the City or County where ſuch Negro or other Slave ſhall dwell or reſide, enter into a Bond to the People of the State of *New-York*, with one or more Surety or Sureties, to be approved by ſuch Court, in a Sum not leſs than *Two Hundred Pounds*, to keep and ſave ſuch Slave from becoming or being any Charge to the City, Town or Place, within this State, wherein ſuch Slave ſhall, at any Time after ſuch Manumiſſion, live, the ſaid Slave ſhall be free, according to ſuch Manumiſſion of the Owner or Owners of ſuch Slave. *And further*, If any ſuch Slave hath been, or hereafter ſhall be made free, by the laſt Will and Teſtament of any Perſon deceaſed, and if the Executor or Executors of ſuch Perſon ſo deceaſed, or in Caſe of the Neglect or Refuſal of ſuch Executor or Executors, if any other ſufficient Perſon for and in Behalf of ſuch Slave, ſhall and do enter into ſuch Surety as aforeſaid, in Manner aforeſaid, then the ſaid Slave ſhall be free, according to the true Intent and Meaning of ſuch laſt Will and Teſtament. *And moreover*, That if any Perſon ſhall, by laſt Will or *otherwiſe*, manumit or ſet free his or her Slave, and no ſuch Certificate or Security as aforeſaid be given or obtained, ſuch Slave ſhall, nevertheleſs, be conſidered as freed from ſuch Owner, his or her Executors, Adminiſtrators and Aſſigns: But ſuch Owner, his and her Heirs, Executors and Adminiſtrators, ſhall remain and be liable to ſupport and maintain ſuch Slave, if the ſame Slave ſhall become unable to ſupport and maintain himſelf or herſelf.

Owners of other Slaves may manumit them on giving Security.

Such Slave manumitted by Will, on Security given by Executors, or any other.

Slaves ſet free by Will or *otherwiſe*, to be conſidered as free; but the Owner, if no Certificate or Security be given, liable to maintain them.

CHAP. XLI.

An ACT *in the Form of the Act recommended by the Reſolution of the United States in Congreſs aſſembled, of the Twenty-firſt Day of* March, *One Thouſand Seven Hundred and Eighty-ſeven, to be paſſed by the ſeveral States, relative to the Treaty of Peace between the United States, and the King of* Great-Britain.

Paſſed 22d February, 1788.

WHEREAS certain Laws or Statutes made and paſſed in ſome of the United States, are regarded and complained of as repugnant to the Treaty of Peace with *Great-Britain*, by Reaſon whereof, not only the good Faith of the United States, pledged by that Treaty, has been drawn into Queſtion, but their eſſential Intereſts under that Treaty, greatly affected: *And whereas* Juſtice to *Great Britain*, as well as Regard to the Honour and Intereſts of the United States, require that the ſaid Treaty be faithfully executed, and that all Obſtacles thereto, and particularly ſuch as do or may be conſtrued to proceed from the Laws of this State, be effectually removed; Therefore,

Preamble.

I. *Be it Enacted by the People of the State of* New-York, *repreſented in Senate and Aſſembly, and it is hereby Enacted by the Authority of the ſame*, That ſuch of the Acts and Parts of Acts of the Legiſlature of this State, as are repugnant to the Treaty of Peace btween the United States and his *Britannic* Majeſty, or any Article thereof, ſhall be, and hereby are repealed. *And further*, That the Courts of Law and Equity, within this State, be, and they hereby are directed and required, in all Cauſes and Queſtions cognizable by them reſpectively, and ariſing from or touching the ſaid Treaty, to decide and adjudge according to the Tenor, true Intent and Meaning of the ſame; any Thing in the ſaid Acts, or Parts of Acts, to the Contrary thereof in any wiſe notwithſtanding.

All Acts repugnant to the Treaty of Peace, repealed.

CHAP.

CHAP. XLII.

A. D. 1788.
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An ACT *for suppressing Immorality.*

Passed 23d February, 1788.

I. BE *it Enacted by the People of the State of* New-York, *represented in Senate and Assembly, and it is hereby Enacted by the Authority of the same,* That there shall be no travelling, servile labouring, or working, (Works of Necessity and Charity excepted) shooting, fishing, sporting, playing, Horse-racing, hunting, or frequenting of Tipling-Houses, or any unlawful Exercises or Pastimes, by any Person or Persons within this State, on the *first* Day of the Week, commonly called *Sunday*. And that every Person being of the Age of *fourteen* Years or upwards, offending in the Premises, shall, for every such Offence, forfeit and pay to the Use of the Poor of the City or Town where such Offence shall be committed, the Sum of *Six Shillings*. And that no Person shall cry, shew forth, or expose to Sale, any Wares, Merchandize, Fruit, Herbs, Goods or Chattels, upon the *first* Day of the Week, commonly called *Sunday*, except small Meat, and Milk and Fish, before *nine* of the Clock in the Morning, upon Pain that every Person so offending, shall forfeit the same Goods so cried, shewed forth, or exposed to Sale, to the Use of the Poor of the City or Town where such Offence shall be committed; and if any Person offending in any of the Premises, shall be thereof convicted, before any Justice of the Peace for the County, or any Mayor, Recorder or Alderman of the City, where the Offence shall be committed, upon the View of the said Justice, Mayor, Recorder or Alderman, or Confession of the Party offending, or Proof of any Witness or Witnesses upon Oath, then the said Justice, Mayor, Recorder or Alderman, before whom such Conviction shall be had, shall direct and send his Warrant, under his Hand and Seal, to some Constable of the City or County where the Offence shall have been committed, commanding him to seize and take the Goods, so cried, shewed forth or exposed to Sale as aforesaid, and to sell the same, and to levy the said other Forfeitures or Penalties, by Distress and Sale of the Goods and Chattels of such Offenders, and to pay the Money arising by the Sale of such Goods so seized, and the said other Forfeitures or Penalties, to the Overseers of the Poor of the City or Town where the said Offence or Offences shall have been committed, for the Use of the Poor thereof. And in Case no such Distress can be had, then every such Offender shall, by a Warrant under the Hand and Seal of the said Justice, Mayor, Recorder or Alderman, be set publicly in the Stocks, by the Space of *two* Hours. *And further*, That if any Person shall be found fishing, sporting, Horse-racing, hunting, gunning, or going to or returning from any Market or Landing with Carts, Waggons or Sleds, on the *first* Day of the Week, called *Sunday*, it shall be lawful for any Constable or other Citizen, to stop every Person so offending, and to detain him or her until the next Day, and then to carry or convey him or her to some Justice of the Peace, to be dealt with according to Law. *Provided always*, That no Person going to, or returning from any Church or Place of Worship, within the Distance of *twenty* Miles, or going to call a Physician, Surgeon or Midwife, or carrying a Mail to or from any Post-Office, or going Express by Order of any public Officer, shall be considered as travelling within the Meaning of this Act.

No Travelling, servile Labor or Sporting, &c. to be done on *Sunday*.

Fine for offending therein.

No Goods to be exposed to Sale on *Sunday*, except small Meats, Fish and Milk in the Morning, under Forfeiture of the same.

On Conviction, Warrant to issue for seizing and selling the Goods so exposed to Sale, and levying the other Forfeitures.

And if no Distress can be had, Offender to be set in the Stocks.

Persons found fishing, &c. or going to Market on *Sunday*, how to be dealt with.

What is not travelling within the Meaning of this Act.

II. *And be it further Enacted by the Authority aforesaid*, That if any Person charged with having laboured or worked on the said *first* Day of the Week called *Sunday*, and shall be brought before a Justice of the Peace to answer to such Charge, and shall then and there prove, to the Satisfaction of the said Justice, that he or she uniformly keeps the *last* Day of the Week as *holy Time*, and does not labour or work on that Day, then such Defendant shall be discharged. *Provided always*, That the Work or Labour with which he

Persons keeping *Saturday* as *holy Time*, may work on *Sunday*,

But not disturb others.

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or ſhe is charged, has not diſturbed other Perſons in the Obſervance of the *firſt* Day of the Week, as *holy Time*.

No Writs or Proceſs, except for Treaſon, Felony, or Breach of the Peace, to be executed on *Sunday*.

III. *And be it further Enacted by the Authority aforeſaid*, That no Perſon or Perſons, upon the *firſt* Day of the Week, commonly called *Sunday*, ſhall ſerve or execute, or cauſe to be ſerved or executed, any Writ, Proceſs, Warrant, Order, Judgment or Decree (except in Caſes of Treaſon, Felony, or Breach of the Peace) but that the Service of every ſuch Writ, Proceſs, Warrant, Order, Judgment or Decree, ſhall be void, to all Intents and Purpoſes whatſoever; and the Perſon or Perſons ſo ſerving or executing the ſame, ſhall be as liable to the Suit of the Party grieved, and to anſwer Damages to him for doing thereof, as if he or they had done the ſame, without any Writ, Proceſs, Warrant, Order, Judgment or Decree at all.

Perſons curſing or ſwearing, liable to a Fine.

IV. *And be it further Enacted by the Authority aforeſaid*, That if any Perſon or Perſons ſhall, at any Time or Times hereafter, profanely ſwear or curſe, and be thereof convicted, by the Confeſſion of the Party offending, or on the Oath of any one or more Witneſs or Witneſſes, or in the Manner herein after mentioned, before any Juſtice of the Peace for any County, or any Mayor, Recorder or Alderman of any City in this State, every Perſon ſo offending ſhall, for every ſuch Offence, forfeit and pay, to the Uſe of the Poor of the City or Town where ſuch Offence or Offences ſhall be committed, the Sum of *Three Shillings*.

Perſons offending in Preſence of a Juſtice, to be convicted without further Proof.

V. *And be it further Enacted by the Authority aforeſaid*, That in Caſe any Perſon ſhall profanely ſwear, or curſe, in the Preſence and Hearing of any Juſtice of the Peace for any County, or in the Preſence and Hearing of any Mayor, Recorder or Alderman of any City, while in the Execution of his Office, every ſuch Juſtice of the Peace, Mayor, Recorder or Alderman, ſhall, and is hereby authoriſed and required to convict every ſuch Offender of ſuch Offence, without any other Proof whatſoever.

Perſons above the Age of *ſixteen* Years, who do not pay their Fine, to be ſet in the Stocks.

But if Offender is under the Age of *ſixteen*, the Parent or Maſter ſhall pay the Fine.

VI. *And be it further Enacted by the Authority aforeſaid*, That in Caſe any Perſon who ſhall be convicted of profanely ſwearing or curſing, ſhall not immediately pay down the reſpective Sums ſo forfeited, with the Charges of ſuch Conviction, or give Security, to the Satisfaction of the Juſtice, Mayor, Recorder or Alderman before whom ſuch Conviction is had, for the Payment thereof within *ſix* Days, then every ſuch Offender, being above the Age of *ſixteen* Years, ſhall, by Warrant under the Hand and Seal of ſuch Juſtice, Mayor, Recorder or Alderman, be ſet publicly in the Stocks, by the Space of *one* Hour for every ſingle Offence, and for any Number of Offences, whereof any ſuch Offender ſhall be convicted at one and the ſame Time, *two* Hours; but if the Offender ſhall not be above the Age of *ſixteen* Years, and ſhall not forthwith pay the ſaid Forfeitures, or give Security for Payment thereof, the Parent or Maſter ſhall pay the ſame, to be recovered as aforeſaid.

Perſons convicted of Drunkenneſs, to be fined *Three Shillings*;

And on Non-Payment of ſuch Fine to be ſet in the Stocks.

VII. *And be it further Enacted by the Authority aforeſaid*, That if any Perſon ſhall be drunk, and of the ſame Offence of Drunkenneſs ſhall be lawfully convicted, before any Juſtice of the Peace for the County, or before the Mayor, Recorder, or any Alderman of the City wherein ſuch Offence ſhall be committed, either upon the View of ſuch Juſtice, Mayor, Recorder or Alderman, or upon the Confeſſion of the Party offending, or Proof of any one or more Witneſs or Witneſſes, on Oath, every Perſon ſo offending, ſhall forfeit and pay, for every ſuch Offence, *Three Shillings*, to the Uſe of the Poor of the City or Town wherein ſuch Offence ſhall be committed. And in Caſe any Perſon who ſhall be convicted of Drunkenneſs as aforeſaid, ſhall not immediately pay down the Sum ſo forfeited, with the Charges of ſuch Conviction,

or

or give Security, to the Satisfaction of the Juſtice, Mayor, Recorder or Alderman before whom ſuch Conviction is had, for the Payment thereof within *ſix* Days, every ſuch Offender ſhall, by Warrant under the Hand and Seal of ſuch Juſtice, Mayor, Recorder or Alderman, be ſet publicly in the Stocks, by the Space of *two* Hours.

Juſtices on Information againſt Offenders, to cauſe them to be brought before them.

VIII. *And be it further Enacted by the Authority aforeſaid*, That every Juſtice of the Peace, Mayor, Recorder or Alderman, ſhall, immediately upon Information given, upon Oath of any Conſtable or other Peace Officer, or of any other Perſon whatſoever, cauſe the Offender and Offenders againſt this Act, to appear before him, and upon ſuch Information being proved as aforeſaid, ſhall convict ſuch Offender and Offenders in ſuch Manner as in and by this Act is preſcribed.

IX. *And be it further Enacted by the Authority aforeſaid*, That every Juſtice of the Peace, Mayor, Recorder and Alderman, before whom any Perſon or Perſons ſhall be, by Virtue of this Act, convicted of any of the Offences aforeſaid, ſhall cauſe ſuch Conviction to be drawn up in the Form following:

Form of Conviction.

CITY *of* NEW-YORK, (or, WESTCHESTER *County*, or other City or County, as the Caſe may require) *to wit: BE it remembered, That on the —— Day of ———, in the Year of our Lord One Thouſand ——— ———* A. B. *was convicted before me*, C. D. (*Mayor*, or, *Recorder*, or, *one of the Aldermen*) *of the ſaid City* (or, *one of the Juſtices of the Peace of the ſaid County*) *of crying*, (or, *ſhewing forth*, or, *expoſing to Sale*) *one* (or, *two*, or more, ſpecifying the Number, Quantity and Kind of Goods) *on a Sunday, in the ſaid City* (or, *the Town of ———, in the ſaid County*, (or, *of travelling*, or, *doing ſervile Work*, or, *Labour*; or, *of ſhooting, fiſhing, ſporting, playing, Horſe-racing, hunting*, or, *frequenting Tipling-Houſes*, or, *uſing ſome unlawful Exerciſe*, or, *Paſtime*) *on Sunday*; or, *of ſwearing one* (or, *two*, or more) *profane Oath*, (or, *Oaths*); or, *of curſing one* (or, *two*, or more) *profane Curſe* (or, *Curſes*); or, *of having been drunk in the ſaid City* (or, *at the Town of ———, in the ſaid County*) as the Caſe may require. *Given under my Hand and Seal, the Day and Year above ſaid.*

Such Conviction not removeable by *Certiorari*.

AND ſuch Conviction ſhall not be liable to be removed by *Certiorari* into the Supreme Court, but ſhall be deemed and taken to be final, to all Intents and Purpoſes whatſoever.

Charges of Conviction to be paid by the Offender,

X. *And be it further Enacted by the Authority aforeſaid*, That all Charges of the Information, and Conviction of any ſuch Offender, ſhall be borne and paid by the Party offending, if able, over and above the Penalties inflicted by this Act, which Charges ſhall be ſettled and aſcertained by the Juſtice, Mayor, Recorder or Alderman before whom ſuch Conviction ſhall be had, but ſhall in no Caſe exceed in the whole, *Three Shillings*. And the Juſtice, Mayor, Recorder or Alderman before whom any Proceedings ſhall be had upon this Act, or his Clerk, may take for the Information, Summons, Conviction and Warrant thereupon, *One Shilling*, and no more; and if the Offender ſhall be ſet in the Stocks for the ſame Offence, no Charges whatſoever ſhall be paid by any Perſon whomſoever.

Unleſs he is ſet in the Stocks.

Forfeitures & Charges to be paid to the Juſtice.

XI. *And be it further Enacted by the Authority aforeſaid*, That it ſhall and may be lawful for every ſuch Offender, to pay the ſaid Forfeitures and Charges to the Juſtice, Mayor, Recorder or Alderman before whom ſuch Conviction is had; and ſuch Juſtice, Mayor, Recorder or Alderman, ſhall receive the ſame, and as ſoon as conveniently may be, pay the ſame Forfeitures to the Overſeers of the Poor of the City or Town where ſuch Offence was committed, for the Uſe of the Poor thereof.

XII. *And*

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All Juſtices, Mayors, Recorders and Aldermen, required to put this Act in Execution.

XII. *And be it further Enacted by the Authority aforeſaid*, That all and every Juſtice of the Peace for the County, and every Mayor, Recorder or Alderman of the City, wherein any ſuch Offence ſhall be committed, may, and they are hereby reſpectively authoriſed and required to put this Act in Execution, againſt any Perſon or Perſons within their reſpective Juriſdictions, although ſuch Juſtice, Mayor, Recorder or Alderman, ſhall be rated and pay to the Relief of the Poor of the City or Town where any Offence, contrary to the true Intent and Meaning of this Act, ſhall be committed; any Law or Statute to the Contrary notwithſtanding.

Offences againſt this Act to be proſecuted in *twenty* Days.

XIII. *And be it further Enacted by the Authority aforeſaid*, That no Perſon ſhall be proſecuted or troubled for any Offence againſt this Act, unleſs the ſame be proved or proſecuted within *twenty* Days next after the Offence committed.

Juſtices, Mayors, &c. ſued for executing this Act, may plead the general Iſſue,

And if acquitted, have treble Coſts.

XIV. *And be it further Enacted by the Authority aforeſaid*, That if any Suit or Action ſhall be commenced or brought againſt any Juſtice of the Peace, Mayor, Recorder, Alderman, Conſtable, or other Officer or Perſon whatſoever, for doing, or cauſing to be done, any Thing in Purſuance of this Act, concerning any of the ſaid Offences, the Defendant in ſuch Action or Suit, may plead the general Iſſue, and give the ſpecial Matter in Evidence: And if in any ſuch Action or Suit, a Verdict ſhall be given for the Defendant, or the Plaintiff become nonſuit, or diſcontinue his Action, then the Defendant ſhall have treble Coſts.

CHAP. XLIII.

An ACT *for the Limitation of Criminal Proſecutions, and of Actions and Suits at Law.*

Paſſed 26th February, 1788.

WHEREAS it is neceſſary for the Peace of Society, that certain Times be limited for bringing all Actions and Suits at Law; Therefore,

After the firſt of *January*, 1800, no Suit to be brought by the People of this State for Lands, but within forty Years next after their Title ſhall have accrued.

I. *Be it Enacted by the People of the State of* New-York, *repreſented in Senate and Aſſembly, and it is hereby Enacted by the Authority of the ſame*, That the People of the State of *New-York* ſhall not, nor will, at any Time after the *firſt* Day of *January*, which will be in the Year One Thouſand Eight Hundred, ſue, impeach, queſtion or implead, any Perſon or Perſons, Bodies Politic or Corporate, for or in any wiſe concerning any Manors, Lands, Tenements, Rents or Hereditaments whatſoever (other than Liberties or Franchiſes) or for or in any wiſe concerning the Revenues, Iſſues or Profits thereof, or make any Title, Claim, Challange or Demand, of, in or to the ſame, or any of them, by Reaſon of any Right or Title which hath not firſt accrued and grown, or which ſhall not thereafter firſt accrue and grow within the Space of *forty* Years next before the filing, iſſuing or commencing of every ſuch Action, Bill, Plaint, Information, Commiſſion, or other Suit or Proceeding, as ſhall, at any Time or Times thereafter, be filed, iſſued or commenced for recovering the ſame, or in Reſpect thereof, unleſs the People of the State of *New-York*, or ſome other Perſon or Perſons, Bodies Politic or Corporate, under whom the People of the State of *New-York* any Thing have, or lawfully claim, or thereafter ſhall have or lawfully claim, have or ſhall have been anſwered, by Force and Virtue of any ſuch Right or Title to the ſame, the Rents, Revenues, Iſſues or Profits thereof, or the Rents, Iſſues or Profits of any Manors or other Hereditaments, whereof the Premiſes in Queſtion ſhall be Part or Parcel, within the ſaid Space of *forty* Years. *And further*, That all and every Perſon or Perſons, Bodies Politic or Corporate, their Heirs and Succeſſors, and all claiming by, from or under them, or

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or any of them, for and according to their and every their ſeveral Eſtates and Intereſts, which they have, or claim to have, or hereafter ſhall or may have, or claim to have in the ſame reſpectively, ſhall, at all Times hereafter, quietly and freely have, hold and enjoy, againſt the People of the State of *New-York*, claiming, by any Title which hath not firſt accrued or grown, or which ſhall not thereafter firſt accrue or grow within the Space of *forty* Years, all and ſingular the Manors, Lands, Tenements, Rents and Hereditaments whatſoever (other than Liberties and Franchiſes), which he or they, or his or their, or any of their Anceſtors or Predeceſſors, or thoſe from, by or under whom he or they do, or hereafter ſhall claim or have, or hereafter ſhall have held or enjoyed, or taken the Rents, Revenues, Iſſues or Profits thereof, by the Space of *forty* Years next before the filing, iſſuing or commencing of every ſuch Action, Bill, Plaint, Information, Commiſſion, or other Suit or Proceeding, as ſhall, at any Time or Times thereafter, be filed, iſſued or commenced for recovering the ſame, or in Reſpect thereof, unleſs the People of the State of *New-York*, or ſome other Perſon or Perſons, Bodies Politic or Corporate, under whom the People of the State of *New-York* any Thing have or lawfully claim, or hereafter ſhall have or lawfully claim, in the ſaid Manors, Lands, Tenements, Rents or Hereditaments, by Force of any Right or Title, have been, or ſhall have been anſwered, by Virtue of any ſuch Right or Title, the Rents, Revenues, Iſſues or other Profits thereof, within the ſaid Space of *forty* Years. *And further*, That all and every Perſon or Perſons, Bodies Politic and Corporate, their Heirs and Succeſſors, and all claiming or to claim, by, from and under them, or any of them, for and according to their and every of their ſeveral Eſtates and Intereſts, which they have or claim, or hereafter ſhall or may have or claim reſpectively, ſhall forever hereafter, quietly and freely have, hold and enjoy, all ſuch Manors, Lands, Tenements, Rents and Hereditaments (other than Liberties and Franchiſes) as they now have, claim or enjoy, or hereafter ſhall or may have, claim or enjoy, whereof the People of the State of *New-York*, or he or they, by, from or under whom the People of the State of *New-York* any Thing have or lawfully claim, or hereafter ſhall have or lawfully claim, or ſome of them, by Force of ſome Right or Title to the ſame, have not or ſhall not have been anſwered by Virtue of ſuch Right or Title, the Rents, Revenues, Iſſues or Profits thereof, within the Space of *forty* Years next before the filing, iſſuing or commencing of every ſuch Action, Bill, Plaint, Information, Commiſſion, or other Suit or Proceeding, as ſhall, at any Time or Times thereafter, be filed, iſſued or commenced for recovering the ſame, or in Reſpect thereof, within the ſaid Space of *forty* Years, againſt all and every Perſon and Perſons, his and their Heirs and Aſſigns, having, claiming, or pretending to have, or who ſhall or may have, claim, or pretend to have, any Eſtate, Right, Title, Intereſt, Claim or Demand whatſoever, of, in or to the ſame, by Force or Colour of any Letters Patent or Grants, upon Suggeſtion of Concealment, or wrongful detaining, or defective Titles, or by, from or under any Patentees or Grantees, or any Letters Patent or Grants, upon Suggeſtion of Concealment, or wrongful detaining, or defective Titles, of or for which ſaid Manors, Lands, Tenements, Rents and Hereditaments, or any of them, no Verdict, Judgment, Decree, judicial Order upon Hearing, or Sentence of any Court, now ſtanding in Force, hath been had or given, or any ſuch Verdict, Judgment, Decree, judicial Order upon the Hearing, or Sentence of Court, ſhall hereafter be had or given, in any Action, Bill, Plaint or Information, in any Court of Record in this State, for or in the Name of the People of the State of *New-York*, or for any of the ſaid Patentees or Grantees, or for their or any of their Heirs or Aſſigns, within the Space of *forty* Years then laſt paſt, or within the Space of *forty* Years next before the filing, iſſuing or commencing of every ſuch Action, Bill, Plaint, Information, Commiſſion, or other Suit or Proceeding as ſhall,

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at any Time or Times hereafter, be filed, iſſued or commenced for recovering the ſame, or in Reſpect thereof as aforeſaid.

No Perſon ſhall, before the firſt of *January*, 1800, ſue any Writ of Right, or make any Preſcription, Title or Claim to or for any Lands of the Poſſeſſion of any Anceſtor, but within *ſixty* Years,

II. *And be it further Enacted by the Authority aforeſaid*, That no Perſon or Perſons ſhall hereafter, and before the *firſt* Day of *January*, which will be in the Year One Thouſand Eight Hundred, ſue, have or maintain, any Writ of Right, or make any Preſcription, Title or Claim, of, to or for any Manors, Lands, Tenements, or other Hereditaments of the Poſſeſſion of his or their Anceſtor or Predeceſſor, and declare and alledge any further Seiſin or Poſſeſſion of his or their Anceſtor or Predeceſſor, but only of the Seiſin or Peſſeſſion of his or their Anceſtor or Predeceſſor, which hath been, or now is, or ſhall be ſeiſed of the ſaid Manors, Lands, Tenements, or other Hereditaments, within *ſixty* Years next before the Teſt of the ſame Writ, or next before the ſaid Preſcription, Title or Claim, ſo hereafter to be ſued, commenced, brought, made or had.

Or have any poſſeſſory Action upon the Poſſeſſion of any Anceſtor, but within *fifty* Years;

III. *And be it further Enacted by the Authority aforeſaid*, That no Manner of Perſon or Perſons ſhall hereafter, and before the ſaid *firſt* Day of *January*, which will be in the Year One Thouſand Eight Hundred, ſue, have or maintain, any Writ of Entry, or other Writ or Action upon Diſſeiſin done to any of his or their Anceſtors or Predeceſſors, or any other Action poſſeſſory, upon the Poſſeſſion of any of his or their Anceſtors or Predeceſſors, for any Manors, Lands, Tenements, or other Hereditaments, of any further Seiſin or Poſſeſſion of his or their Anceſtor or Predeceſſor, but only of the Seiſin or Poſſeſſion of his or their Anceſtor or Predeceſſor, which was, or hereafter ſhall be ſeiſed of the ſame Manors, Lands, Tenements, or other Hereditaments, within *fifty* Years next before the Teſt of the Original of the ſame Writ, hereafter to be brought.

Nor any Action of his own Seiſin or Poſſeſſion, but within *thirty* Years;

IV. *And be it further Enacted by the Authority aforeſaid*, That no Manner of Perſon or Perſons ſhall hereafter, and before the ſaid *firſt* Day of *January*, which will be in the Year One Thouſand Eight Hundred, ſue, have or maintain, any Action for any Manors, Lands, Tenements, or other Hereditaments, of or upon his, her or their own Seiſin or Poſſeſſion therein, above *thirty* Years nextbefore the Teſt of the Original of the ſame Writ, hereafter to be brought.

Nor make any Avowry or Cognizance for any Rent, Suit or Service, but within *fifty* Years.

V. *And be it further Enacted by the Authority aforeſaid*, That no Manner of Perſon or Perſons ſhall hereafter, and before the ſaid *firſt* Day of *January*, which will be in the Year One Thouſand Eight Hundred, make any Avowry or Cognizance for any Rent, Suit or Service, and alledge any Seiſin of any Rent, Suit or Service, in the ſame Avowry or Cognizance, in the Poſſeſſion of his, her or their Anceſtor or Anceſtors, Predeceſſor or Predeceſſors, or in his, her or their own Poſſeſſion, or in the Poſſeſſion of any other, whoſe Eſtate he, ſhe or they ſhall pretend or claim to have, above *fifty* Years next before the making of the ſaid Avowry or Cognizance.

After the *firſt* of *January*, 1800, no real Action to be maintained, nor Avowry or Cognizance made, but on a Seiſin within *Twenty-five* Years, ſaving to the Plaintiff the Time he or ſhe may have been under Age, Inſane, *Covert*, or in Priſon.

VI. *Provided nevertheleſs, and be it further Enacted by the Authority aforeſaid*, That from and after the ſaid firſt Day of *January*, which will be in the Year One Thouſand Eight Hundred, no Action real ſhall be maintained, and no Avowry or Cognizance ſhall be made, unleſs on a Seiſin or Poſſeſſion of the Hereditaments, either of the Demandant or Plaintiff, or Perſon making Avowry or Cognizance, or of the Anceſtor or Predeceſſor of ſuch Demandant or Plaintiff, or Perſon making Avowry or Cognizance, within *Twenty-five* Years next before ſuch Action brought, or Avowry or Cognizance made; with a ſaving, that no Part of the Time, during which the Demandant or Plaintiff, or Perſon making Avowry or Cognizance, ſhall have been within the

the Age of *Twenty-one* Years, insane, *Feme Covert*, or imprisoned, shall be taken as Part of the said Period of Limitation of *Twenty-five* Years.

All Persons not proving Possession or Seisin within the Times above limited, to be barred for ever.

VII. *And be it further Enacted by the Authority aforesaid*, That if any Person or Persons do, at any Time hereafter, sue any of the said Actions or Writs, for any Manors, Lands, Tenements or other Hereditaments, or make any Avowry, Cognizance, Prescription, Title or Claim, of or for any Rent, Suit, Service or other Hereditaments, and cannot prove that he or they, or his or their Ancestors or Predecessors, were in the actual Possession or Seisin of, and in the same Manors, Lands, Tenements, Rents, Suits, Services, Annuities, Commons or other Hereditaments, at any Time or Times within the Years before limited and appointed in this Act, and in Manner and Form aforesaid, if the same be traversed or denied by the Party Plaintiff, Demandant or Avowant, or by the Party Tenant or Defendant, that then, and after such Trial therein had, all and every such Person and Persons, and their Heirs and Successors, shall, from thenceforth, be utterly barred for ever, of all and every the said Writs, Actions, Avowries, Cognizance, Prescription, Title or Claim, thereafter to be sued, had or made, of and for the same Manors, Lands, Tenements, Hereditaments, or other the Premises, or any Part of the same, for the which the same Action, Writ, Avowry, Cognizance, Prescription, Title or Claim, hereafter shall be so had, sued or made.

Writs of *Formedon* and *Scire Facias* upon Fines, to be brought within *twenty* Years.

VIII. *And be it further Enacted by the Authority aforesaid*, That all Writs of *Formedon*, and *Scire Facias* upon Fines, of any Manors, Lands, Tenements, or other Hereditaments, hereafter to be brought, shall be sued and taken within *twenty* Years next after the Title and Cause of Action first descended or fallen, and at no Time after the said *twenty* Years.

No Entry to be made into Lands but within *twenty* Years.

IX. *And be it further Enacted by the Authority aforesaid*, That no Person or Persons shall, at any Time hereafter, make any Entry into any Manors, Lands, Tenements or Hereditaments, but within *twenty* Years next after his or their Right or Title descended or accrued to the same; and in Default thereof, such Person or Persons so not entring, and his, her or their Heirs, shall be utterly excluded and disabled from such Entry after to be made. *And further*, That no Claim or Entry of, or upon any Manors, Lands, Tenements or Hereditaments, shall be a sufficient Entry or Claim within the Meaning of this Act, unless upon such Entry or Claim, an Action shall be commenced within *one* Year next after the making of such Entry or Claim, and prosecuted with Effect.

No Entry or Claim to be good, unless Suit brought within *one* Year.

Time limited for bringing personal Actions.

X. *And be it further Enacted by the Authority aforesaid*, That all Actions of Trespass *quare Clausum fregit*; all Actions of Trespass, Detinue, Actions of Trover and Replevin, for taking away of Goods and Chattels; all Actions of Account, and upon the Case, other than such Actions as concern the Trade of Merchandize between Merchant and Merchant, their Factors or Servants; all Actions of Debt grounded upon any Lending or Contract without Specialty; all Actions of Debt for Arrearages of Rent; all Suits and Actions in the Court of Admiralty, for Seamen's Wages, and all Actions of Assault, Menace, Battery, Wounding and Imprisonment, or any of them, which shall, at any Time hereafter, be sued or brought, shall be commenced and sued within the Time and Limitation hereafter expressed, and not after: *That is to say*; The said Actions upon the Case, other than for Slander, and the said Actions for Account, and the said Actions for Trespass, Debt, Detinue and Replevin, for Goods or Chattels, and the said Actions of Trespass *quare Clausum fregit*, and the said Suits and Actions for Seamen's Wages, within *six* Years next after the Cause of such Actions or Suits, and not after; and the said Actions of Trespass for Assault, Menace, Battery, Wounding and Imprisonment, or any

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any of them, within *four* Years next after the Cauſe of ſuch Actions or Suits, and not after; and the ſaid Actions upon the Caſe for Words, within *two* Years next after the Words ſpoken, and not after.

On Reverſal of a Judgment, Plaintiff may bring a new Suit within a Year.

XI. *Provided always, and be it further Enacted by the Authority aforeſaid*, That if in any of the ſaid Actions or Suits, Judgment ſhall be given for the Plaintiff, and the ſame be reverſed by Error, or if a Verdict paſs for the Plaintiff, and upon Matter alledged in Arreſt of Judgment, the Judgment be given againſt the Plaintiff, that he take nothing by his Plaint, Writ or Bill, or if any of the ſaid Actions ſhall be brought by Original, and the Defendant therein be outlawed, and ſhall after reverſe the Outlawry; that in all ſuch Caſes, the Party Plaintiff, his Heirs, Executors or Adminiſtrators, as the Caſe ſhall require, may commence a new Action or Suit, from Time to Time, within *one* Year next after ſuch Judgment reverſed, or ſuch Judgment given againſt the Plaintiff, or Outlawry reverſed, and not after.

Infants, *Feme Coverts*, Perſons inſane, or in Priſon, & their Heirs, may bring ſuch Writs of *Formedon* or *Scire Facias*, or make Entries into Lands after the Time limited, ſo as they do it within *ten* Years after ſuch Diſability is removed;

XII. *Provided alſo, and be it further Enacted by the Authority aforeſaid*, That if any Perſon or Perſons who is, or ſhall be entitled to ſuch Writ or Writs of *Formedon*, or *Scire Facias*, or who hath or ſhall have ſuch Right or Title of Entry, be or ſhall be, at the Time of the ſaid Right or Title firſt deſcended, accrued, come or fallen, within the Age of *One-and-twenty* Years, *Feme Covert*, inſane, or impriſoned, that then ſuch Perſon and Perſons, and his and their Heir and Heirs, ſhall or may, after the ſaid *twenty* Years be expired, bring ſuch Action, or make ſuch Entry as he or they might have done before this Act, ſo as ſuch Perſon or Perſons ſhall, within *ten* Years next after his or their full Age, Diſcoverture, coming of ſound Mind, or Enlargement out of Priſon, or the Heir or Heirs of ſuch Perſon or Perſons, within *ten* Years next after the Death of ſuch Perſon or Perſons, take Benefit of, and ſue forth the ſame, and at no Time after the ſaid *ten* Years, *And further*, That

And may bring perſonal Actions within the Time before limited, after ſuch Diſability removed.

if any Perſon or Perſons who is or ſhall be entitled to any ſuch Suit or Action, for Seaman's Wages, or to any ſuch Action of Treſpaſs *quare Clauſum fregit*, Detinue, Trover, Replevin, Actions of Account, or upon the Caſe, Action of Debt, Action of Treſpaſs for Aſſault, Menace, Battery, Wounding, Impriſonment, or Action upon the Caſe for Words, or any of them, be or ſhall be, at the Time of any ſuch Cauſe of Action given or accrued, fallen or come, within the Age of *Twenty-one* Years, *Feme Covert*, inſane, or impriſoned, that then, and in every ſuch Caſe, ſuch Perſon or Perſons ſhall be at Liberty to bring the ſame Actions, ſo as they take the ſame within ſuch Times as are before limited, after their coming to or being of full Age, Diſcovert, of ſane Memory, or at large, as other Perſons having no ſuch Impediment ſhould have done. *And moreover*, That if any Perſon or Perſons againſt whom there is or ſhall be any ſuch Cauſe of Suit, or Action for Seaman's Wages, or againſt whom there is or ſhall be any Cauſe of Action of Treſpaſs, Detinue, Trover or Replevin, or of Action of Account, or upon the Caſe, or of Debt, grounded upon any Lending or Contract without Specialty, or Debt for Arrearages of Rent, or of Treſpaſs for Aſſault, Menace, Battery, Wounding or Impriſonment, or any of them, be or ſhall be out of this State, at the Time of any ſuch Cauſe of Suit or Action given or accrued, fallen or come, then, and in every ſuch Caſe, ſuch Perſon or Perſons who is or ſhall be entitled to any ſuch Suit or Action, ſhall be at Liberty to bring the ſaid Actions, againſt ſuch Perſon or Perſons, after his, her or their coming or Return to this State, ſo as they take the ſame after ſuch Return or coming to this State, within ſuch Times as are reſpectively before limited for the bringing of the ſaid Actions by this Act.

If the Defendant in any perſonal Action, is out of the State, a Suit may be brought againſt him within the Time before limited, after his Return to the State.

XIII. *And*

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XIII. *And be it further Enacted by the Authority aforeſaid*, That all Actions, Suits, Bills, Indictments or Informations, which at any Time hereafter ſhall be had, brought, ſued or exhibited, for any Forfeiture upon any penal Statute made or to be made, whereby the Forfeiture is or ſhall be limited to the People of the State of *New-York* only, ſhall be had, brought, ſued or exhibited, within *two* Years next after the Offence committed, or to be committed againſt ſuch penal Act, and not after the ſaid two Years. And that all Actions, Suits, Bills or Informations, which ſhall, at any Time hereafter, be had, brought, ſued, commenced or exhibited, for any Forfeiture upon any penal Statute, made or to be made, the Benefit and Suit whereof is or ſhall be, by the ſaid Statute, limited or given to any Perſon or Perſons who ſhall proſecute for the ſame, or to the People of the State of *New-York*, and to any other who ſhall proſecute in that Behalf, ſhall be had, brought, ſued, commenced or exhibited, by any Perſon who may lawfully purſue for the ſame as aforeſaid, within *one* Year next after the Offence committed, or to be committed againſt the ſaid Statute; and in Default of ſuch Purſuit, that then the ſame ſhall be had, ſued, exhibited or brought for the People of the State of *New-York*, at any Time within *two* Years after that Year ended. And that all Actions, Suits, Bills or Informations, which ſhall at any Time hereafter be had, brought, ſued, commenced or exhibited, for any Forfeiture or Cauſe, upon any Statute made or to be made, the Benefit and Suit whereof is or ſhall be given or limited to the Party aggrieved, ſhall be had, brought, ſued, commenced or exhibited, within the Space of *three* Years next after the Offence committed, or to be committed, or Cauſe of Action accrued, and not after. And if any Action, Suit, Bill, Indictment or Information, for any Offence againſt any Statute made or to be made, ſhall be brought after the Time in that Behalf before limited, that then the ſame ſhall be void and of none Effect; any Law, Uſage or Cuſtom to the Contrary notwithſtanding. *Provided always*, That where any Action, Information, Indictment or other Suit, is or ſhall be limited by any Statute to be had, ſued, commenced, brought or exhibited, within a ſhorter Time than is hereby limited, then, and in every ſuch Caſe, the Action, Information, Indictment or other Suit, ſhall be brought within the Time limited by ſuch Statute.

Time limited for bringing Actions or Informations upon penal Statutes.

XIV. *And be it further Enacted by the Authority aforeſaid*, That all Suits, Informations or Indictments, which at any Time hereafter ſhall be brought, commenced or exhibited, for any Crime or Miſdemeanor (Murder excepted) whether capital or not capital, ſhall be brought, commenced or exhibited within *three* Years next after the Offence committed, or to be committed, and not after the Expiration of the ſaid *three* Years. And if any Suit, Information or Indictment, for any Crime or Miſdemeanor (except Murder) ſhall be had, brought or exhibited after the Time hereby limited, that then the ſame ſhall be void and of none Effect; any Law, Uſage or Cuſtom to the Contrary notwithſtanding. *Provided always*, That where any Information, Indictment or other Suit, for any Crime or Miſdemeanor, is limited by any Statute, to be brought or exhibited within a ſhorter Time than is hereby limited, then, and in every ſuch Caſe, the Information, Indictment, or other Suit, ſhall be had, brought or exhibited, within the Time limited by ſuch Statute.

Time limited for inſtituting criminal Suits.

XV. *And be it further Enacted by the Authority aforeſaid*, That no Part of the Time from the *fourteenth* Day of *October*, in the Year One Thouſand Seven Hundred and Seventy-five, to the *Twenty-firſt* Day of *March*, One Thouſand Seven Hundred and Eighty-three, ſhall be deemed, computed, pleaded or adjudged, as Part of the reſpective Periods herein before limited for making any Title, Preſcription, Congnizance or Claim, or bringing, ſuing, commencing or proſecuting any Writ, Action, Suit or Plaint.

The Period between 14th *October*, 1775, and 21ſt *March*, 1783, not to be computed as Part of the Time of Limitation.

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CHAP. XLIV.

An ACT *for directing the Manner of proving Deeds and Conveyances to be recorded.*

Paſſed 26th February, 1788.

All Deeds and Writings relating to real Eſtates acknowledged or proved, & recorded, or the Record or Tranſcript, to be received as Evidence.

I. BE *it Enacted by the People of the State of* New-York, *repreſented in Senate and Aſſembly, and it is hereby Enacted by the Authority of the ſame*, That all and every Deed and Deeds, Conveyance and Conveyances, and Writings whatſoever relating to the Title or Property of any Meſſuages, Lands, Tenements or Hereditaments within this State, heretofore executed, or hereafter to be executed, being duly acknowledged by the Party or Parties executing the ſame, or duly proved by one or more of the ſubſcribing Witneſſes to the Execution thereof, and recorded in the Office of the Secretary of this State, or in the Office of the Clerk of the County in which ſuch Lands are ſituated, ſhall and may be read as Evidence, in any Court in this State, without further or other Proof of the Execution thereof, and the Record thereof, or a Tranſcript of the ſame, ſhall and may be given and received in Evidence.

Before whom ſuch Acknowledgment or Proof is to be made.

A Certificate thereof to be indorſed on the Deed.

II. *And be it further Enacted by the Authority aforeſaid*, That no Deed, Conveyance or other Writing, relating to any Lands, Tenements or real Eſtate, heretofore executed, and not already acknowledged or proved, according to Law, or hereafter to be executed, ſhall be recorded, unleſs the ſame ſhall be duly acknowledged by the Party or Parties executing the ſame, or the Execution thereof be duly proved by one or more of the ſubſcribing Witneſſes to the ſame, before one of the Juſtices of the Supreme Court, or a Maſter in Chancery, or one of the Judges of the Court of Common Pleas in and for the County where ſuch Lands and real Eſtate are ſituated; or if ſuch Lands and real Eſtate be in the City of *New-York*, *Albany* or *Hudſon*, before the Mayor or Recorder of the ſame Cities reſpectively; and a Certificate of ſuch Acknowledgment or Proof be indorſed upon ſuch Deed, Conveyance or other Writing, ſigned by the Perſon before whom the ſame was taken.

No Eſtate of a *Feme Covert* to paſs by her Deeds, unleſs ſhe be privately examined apart from her Huſband, and confeſs the Execution to be without Fear or Compulſion, and a Certificate thereof indorſed on the Deed.

III. *And be it further Enacted by the Authority aforeſaid*, That no Eſtate of a *Feme Covert*, ſhall henceforth paſs by her Deed, without a previous Acknowledgment by her, on a private Examination, apart from her Huſband, before one of the Juſtices of the Supreme Court, or a Maſter in Chancery, or one of the Judges of the Court of Common Pleas, in and for the County where ſuch Lands or real Eſtate ſhall be ſituated, or if ſuch Lands or real Eſtate be in the City of *New-York*, *Albany* or *Hudſon*, before the Mayor or Recorder of the ſame Cities reſpectively, that ſhe executed ſuch Deed freely, without any Fear or Compulſion of her Huſband, and a Certificate thereof, purporting that ſhe had been privately examined, and confeſſed that ſhe executed the ſame freely, without any Fear or Compulſion of her Huſband, indorſed on the Deed conveying the ſame, and ſigned by the Perſon before whom ſuch Acknowledgment ſhall be made.

CHAP. XLV.

An ACT *to prevent Frauds by Mortgages, and for ſecuring the Purchaſers of mortgaged Eſtates.*

Paſſed 26th February, 1788.

Clerks of Cities and Counties to provide a Book for regiſtering Mortgages.

I. BE *it Enacted by the People of the State of* New-York, *repreſented in Senate and Aſſembly, and it is hereby Enacted by the Authority of the ſame*, That each and every of the Clerks of the reſpective Cities and Counties in this State, ſhall, from Time to Time, provide fit and convenient Blank-Books, for

for the registering of all Mortgages of any Messuages, Lands, Tenements or Hereditaments, situate and lying within their respective Cities and Counties; in which Register shall be entered the Names of the Mortgagors and Mortgagees, the Dates of the respective Mortgages, the Mortgage Money, the Time or Times when payable, the Description and Boundaries of the Messuages, Lands, Tenements or Hereditaments mortgaged, and the Time when such Mortgages are registered or recorded; to which Register, all Persons whomsoever, at proper Seasons, may have Recourse and Search, and for which the said Clerks shall have and receive, for entering each Mortgage, the Sum of *Six Shillings*, and for every Search *One Shilling*, and no more. *And further*, That if any Clerk shall neglect or refuse to do the Duty required of him by this Act, he shall answer to the Party injured, all Damages which shall happen, by Reason of such Neglect or Refusal.

What Parts of Mortgages are to be entered in such Books.

Fees allowed the Clerks.

Penalty on the Clerks for Neglect.

II. *Provided always, and be it further Enacted by the Authority aforesaid*, That no Deed, Conveyance or other Writing, by Way of Mortgage, shall, after the passing of this Act, be entered in any such Register, unless the Execution thereof be duly acknowledged by the Grantor or Grantors, or proved by one or more of the subscribing Witnesses to the Execution thereof, before one of the Justices of the Supreme Court, or a Master in Chancery, or one of the Judges of the Court of Common Pleas of the County where the Messuages, Lands, Tenements or Herediaments so mortgaged, lay, or if the same Messuages, Lands, Tenements or Hereditaments, shall be in the City of *New-York*, *Albany* or *Hudson*, before the Mayor or Recorder of the same Cities respectively, who are hereby respectively authorised and required to take the same, and to indorse a Certificate of such Acknowledgment, or Proof of the Execution of such Mortgages, in the Manner and Form directed and prescribed in and by the Act, entitled, *An Act directing the Manner of proving Deeds and Conveyances, to be recorded.*

No Mortgage to be registered, unless it be acknowledged or proved.

Before whom such Acknowledgment or Proof is to be made.

A Certificate thereof to be indorsed.

III. *And be it further Enacted by the Authority aforesaid*, That every Deed conveying a real Estate, made after the *first* Day of *June*, in the Year One Thousand Seven Hundred and Seventy-four, or to be made after the passing of this Act, which by any other Instrument or Writing shall appear to have been intended only as a Security in the Nature of a Mortgage, tho' it be an absolute Conveyance in Terms, shall be considered as a Mortgage, and be deemed and adjudged to be liable to be registered as other Mortgages are by Virtue of this Act; and that the Person or Persons for whose Benefit such Deed shall be made, shall not have the Advantages given by this Act to Mortgagees, unless every Instrument and Writing operating as a Defeazance of the same, or explanatory of its being designed to have the Effect only of a Mortgage or conditional Deed, be also therewith registered in Substance, as in Case of a Mortgage.

Every Deed of a real Estate appearing by any other Writing to be by Way of Security, tho' it be in absolute Terms, to be considered as a Mortgage, and registered as such; and the Registry thereof to be of no Validity, unless the Instrument operating as a Deafeazance be registered therewith.

IV. *And be it further Enacted by the Authority aforesaid*, That if any Person or Persons whomsoever, hath or have, after the *first* Day of *June*, in the Year One Thousand Seven Hundred and Fifty-four, mortgaged, or shall after the passing of this Act, mortgage any Messuages, Lands, Tenements or Hereditaments, to two or more Persons, at different Times, and any Doubt or Dispute shall arise about the Priority of such Mortgages, that then, and in such Case, the Mortgage first entered in the Register in the City or County where the Lands, Tenements or real Estates so mortgaged, lie, in the Manner herein before directed, shall be deemed and taken, and is hereby declared, and shall be adjudged by all Courts of Law and Equity within this State, to be the first or prior Mortgage; provided it hath been, or shall be made *bona Fide*, and upon good and valuable Consideration; any Law, Usage or Custom to the Contrary notwithstanding.

When two or more Mortgages are executed by the same Person on the same Lands, the first registered to have Priority.

V. *And*

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Mortgages, whether made by the ſame or different Perſons to have Priority, according to the Time of the Regiſtry thereof.

V. *And be it further Enacted by the Authority aforeſaid*, That every Mortgage of the ſame real Eſtate or Eſtates, or Parts thereof, executed after the *nineteenth* Day of *March*, in the Year One Thouſand Seven Hundred and Seventy-four, or to be executed after the paſſing of this Act, whether made by the ſame or different Perſons, ſhall have Priority, and the Benefits thereof given by this Act, according to the Time of the actual Regiſtry thereof.

When Mortgages are redeemed, how the Regiſtry thereof to be barred or diſcharged.

VI. *And be it further Enacted by the Authority aforeſaid*, That whenever any Mortgage or Mortgages, ſo entered as aforeſaid, ſhall be redeemed, paid off and diſcharged, the Clerks of the reſpective Cities and Counties, on Application to them made by the Mortgagors, or Perſons redeeming, paying off and diſcharging ſuch Mortgages, and producing a Certificate to the reſpective Clerks of the reſpective Cities or Counties, ſigned by the reſpective Mortgagee or Mortgagees, in ſuch Mortgage named, his, her or their Executors, Adminiſtrators or Aſſigns, in the Preſence of two or more Witneſſes, and acknowledged by the Party or Parties ſigning the ſame, or proved by the Oath of at leaſt one of the ſubſcribing Witneſſes thereto, before one of the Juſtices of the Supreme Court, or a Maſter in Chancery, or one of the Judges of the Court of Common Pleas of the County where the Meſſuages, Lands, Tenements or Hereditaments, ſo mortgaged, lie, or if ſuch mortgaged Premiſes be in the City of *New-York*, *Albany*, or *Hudſon*, before the Mayor or Recorder of the ſame Cities reſpectively, and the ſame Acknowledgement or Proof be indorſed on ſuch Certificate, ſuch reſpective Clerks ſhall, and they are hereby required to enter in the aforeſaid Book or Regiſter of Mortgages, a Minute of the ſaid Diſcharge or Diſcharges; which Minute, ſo entered, ſhall be deemed and taken to be, and is hereby declared to be a full, perfect and abſolute Bar to the firſt Entry of any ſuch Mortgage or Mortgages; for which Entry, the reſpective Clerks ſhall have and receive the Sum of *One Shilling*, and no more.

No *bona Fide* Sale of mortgaged Eſtates, by Virtue of a Power therein, to be defeated in Favour of the Perſon claiming the Equity of Redemption;

But ſhall not prejudice any other Mortgagee or Creditor, whoſe Title accrued prior to ſuch Sale.

VII. AND *whereas* many real Eſtates are held under Sales made by Mortgagees, who were authoriſed by the Mortgagor or Mortgagors to make Conveyance of the ſame in Fee, for the Payment of the Debt or Demand ſecured by ſuch Mortgage, and to return the Surplus of the Purchaſe Money to the Mortgagor or Mortgagors; and as many Inconveniences may ariſe, vexatious Suits be promoted, and *bona Fide* Purchaſers ruined, if ſuch Eſtates ſhould be redeemable in Equity; Therefore, *Be it further Enacted by the Authority aforeſaid*, That no good and *bona Fide* Sale of Meſſuages, Lands, Tenements or Hereditaments, made or to be made by Mortgagees or others authoriſed thereunto, by ſpecial Power for that Purpoſe, in due Form of Law, from him or them who had the Equity of Redemption, ſhall be defeated to the Prejudice of the *bona Fide* Purchaſers thereof, in Favour or for the Advantage of any Perſon or Perſons claiming a Right of Redemption in Equity. *Provided always*, That nothing in this Act contained, ſhall be conſtrued to prejudice any other Mortgagee of the ſame Meſſuages, Lands, Tenements or Hereditaments, or any Part thereof, whoſe Title accrued prior to ſuch *bona Fide* Sale, or any Creditor to whom the mortgaged Premiſes, or any Part thereof, was before bound by any Judgment at Law, or Decree in Equity.

This Act not to ſecure any Purchaſe in fee, under a Power executed to a Mortgagee, by any Perſon under 25 Years of Age.

VIII. AND to prevent fraudulent Advantages from being taken to the Prejudice of young and extravagant Perſons; *Be it further Enacted by the Authority aforeſaid*, That nothing in this Act contained, ſhall operate for the Security of any Purchaſe in Fee, under any Power executed for that Purpoſe after the ſaid *nineteenth* Day of *March*, in the Year One Thouſand Seven Hundred and Seventy-four, or to be executed for that Purpoſe after the paſſing of this Act, to the Mortgagee or Mortgagees, unleſs the Perſon or Perſons

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Such Powers to be acknowledged or proved and recorded.

And such Sales to be at public Auction.

Persons giving such Power, be of the Age of at least *Twenty-five* Years. *And further*, That all Powers to Mortgagees now made, or hereafter to be made, for making Sales in Fee, shall be acknowledged or proved, and recorded as other Deeds and Conveyances usually are, before the Conveyances for the Sale be executed. *And moreover*, That every such Sale shall be at public Auction or Vendue; and public Notice shall be given thereof by Advertisements, one Copy whereof to be inserted and continued at least once a Week, for *six* Months previous to such Sale, in one of the public News-Papers printed in this State, and another Copy thereof to be fixed upon the outward Door of the Court-House of the City or County in which the Mortgaged Premises, or the greater Part of them, lay.

No Mortgage to defeat the Title of a *bona Fide* Purchaser, unless the same be registered.

IX. *And be it further Enacted by the Authority aforesaid*, That no Deed, Conveyance, Instrument or Writing whatsoever, in the Nature of a Mortgage, made and executed after the said *nineteenth* Day of *March*, in the Year One Thousand Seven Hundred and Seventy-four, or to be made and executed after the passing of this Act, shall, in any Manner defeat, prejudice or affect the Title or Interest of any *bona Fide* Purchaser of any Messuages, Lands, Tenements or Hereditaments, unless the same shall have been duly registered in Manner aforesaid; any Thing in this Act contained to the Contrary notwithstanding.

CHAP. XLVI.

An ACT *for the Amendment of the Law, and the better Advancement of Justice.*
Passed 27th February, 1788.

Where two or more Persons dealing together, are indebted to each other, and one sues the other, the Defendant may plead Payment, and give any Bond or Contract in Evidence, giving Notice thereof with the Plea.

Where the Suit is brought on Bond, the Sum *bona Fide* due (and not the Penalty) to be considered as the Debt due.

If it appears that the Debt or Sum demanded, is paid, the Jury shall find for the Defendant, who shall have his Costs, unless the Plaintiff sues as Executor or Administrator.

If Part of the Debt or Sum is paid, so much shall be discounted:

But if it appear to the Jury that the Plaintiff is overpaid, they shall find for the Defendant, and certify how much the Plaintiff is overpaid, and the Defen-

I. BE *it Enacted by the People of the State of* New-York, *represented in Senate and Assembly, and it is hereby Enacted by the Authority of the same*, That if any two or more, dealing together, be indebted to each other, upon Bonds, Bills, Bargains, Contracts, Promises, Accounts, or the like, and one of them, or his or her Executors or Administrators, commence an Action against the other or others, his, her or their Executors or Administrators, in any Court of this State, if the Defendant or Defendants cannot gainsay the Deed, Bargain or Assumption, upon which he, she or they is or are sued, it shall be lawful for such Defendant or Defendants to plead Payment of all, or any Part of the Debt or Sum demanded, giving Notice, in Writing, with the said Plea, of what he, she or they, will insist upon at the Trial, for his, her or their Discharge, and to give any Bond, Bill, Receipt, Account, Bargain or Contract so given Notice of, in Evidence; and if such Suit shall be brought on a Bond, Bill or other Contract, for the Recovery of a Penalty, on the Non-Payment of Money only, or for a Penalty to secure or enforce the Payment of Money only; and if any Bond, Bill or Contract with such Penalty as aforesaid, shall be given in Evidence for the Plaintiff or Defendant upon such trial, in all such Cases the Sum *bona Fide*, and in Equity due, and not the Penalty, shall be deemed as the Debt due. And if it shall appear that the Debt or Sum demanded, is paid or satisfied, the Jury shall find for the Defendant or Defendants, and Judgment shall be entered, that the Plaintiff or Plaintiffs take nothing by his, her or their Writ, Bill or Plaint; and unless the Plaintiff or Plaintiffs prosecute as Executors or Administrators, the Defendant or Defendants shall also recover his, her or their Costs of Suit, against such Plaintiff or Plaintiffs; and if it shall appear that any Part of the Debt or Sum demanded, is paid or satisfied, then so much as is found to be paid or satisfied, shall be discounted, and the Plaintiff or Plaintiffs shall have Judgment for the Residue only, with Costs of Suit: But if it appear to the Jury, that the Plaintiff or Plaintiffs is or are over paid, then they shall find a

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dant ſhall have Judgment and Execution for the ſame, with Coſts,

Unleſs the Plaintiff proſecutes as Executor or Adminiſtrator, in which Caſe it ſhall be deemed a Debt of Record.

Verdict for the Defendant or Defendants, and withall certify to the Court how much they find the Plaintiff or Plaintiffs to be indebted or in Arrear to the Defendant or Defendants, more than will anſwer the Debt or Sum demanded; and the Sum ſo certified, ſhall be recorded with the Verdict, and the Defendant or Defendants ſhall have Judgment and Execution for the ſame, together with his, her or their Coſts of Suit, unleſs the Plaintiff or Plaintiffs proſecute as Executors or Adminiſtrators, in which Caſe the Sum ſo certified, ſhall be deemed a Debt of Record to be paid in the Courſe of Adminiſtration; and the Defendant or Defendants, for Recovery thereof, ſhall have an Action of Debt, or a *Scire Facias*, againſt the Plaintiff or Plaintiffs in the ſaid Action.

If it appears in any Cauſe, that the Trial will require the Examination of a long Account, the Court, after Iſſue joined, may refer the ſame to *three* Referees,

Unleſs on naming them the Parties agree upon others, or elect that three Jurors be ballotted for.

II. *And be it further Enacted by the Authority aforeſaid*, That whenever it ſhall appear probable, in any Cauſe depending in any Court of Record in this State, as well where an Executor or Executors, Adminiſtrator or Adminiſtrators, is, are, or may be Party or Parties, as otherwiſe, that the Trial of the ſame will require the Examination of a long Account, either on one Side or the other, the ſaid Court, at any Time after Iſſue is joined in ſuch Cauſe, is hereby authoriſed, with or without the Conſent of Parties, to refer ſuch Cauſe, by Rule to be made at Diſcretion, to Referees, who ſhall be *three* ſuch Perſons as the Court ſhall nominate, unleſs upon naming them the Parties agree upon and name others, or ſhall elect that *three* Perſons be ballotted for, out of the Panel of the Jurors, if there be a Jury returned for the Trial of the Cauſe in the uſual Form of ballotting for Jurors; which Referees finally fixed on, ſhall hear and examine the Matters in Controverſy, and report thereon, upon Pain of Contempt; and an Entry ſhall be made upon the Record of ſuch Reference, and Day ſhall be given to the Parties from Time to Time, until the Referees ſhall make a Report in the Premiſes, or they be thereof diſcharged: And if the Report or Award of the Referees, or of the major Part of them, ſhall be confirmed by the ſaid Court, and any Sum be thereby found for the Plaintiff or Plaintiffs, Judgment ſhall be entered for the ſame, with Coſts, if by Law the Plaintiff or Plaintiffs would have recovered Coſts, had a Verdict paſſed in the ſame Cauſe for the Sum ſo reported to be due; but if the Referees, or the major Part of them, ſhall report that there is not any Thing due to the Plaintiff or Plaintiffs, and the Report be confirmed, then Judgment ſhall be entered againſt the Plaintiff or Plaintiffs, that he, ſhe or they take nothing by his, her or their Writ, Bill or Plaint; and the Defendant or Defendants ſhall, in ſuch Caſe, have Judgment for, and recover his, her or their Coſts to be taxed, againſt the Plaintiff or Plaintiffs, if by Law ſuch Defendant or Defendants would have been entitled to Coſts, if a Verdict had paſſed in the ſame Cauſe for him, her or them; and if in any Caſe, the Referees, or the major Part of them, ſhall report any Sum to be due to the Defendant or Defendants, and the Report be confirmed, then Judgment ſhall be entered againſt the Plaintiff or Plaintiffs, that he, ſhe or they take nothing by his, her or their Writ, Bill or Plaint. *And further*, That the Defendant or Defendants ſhall recover againſt ſuch Plaintiff or Plaintiffs, the Sum ſo reported to be due to him, her or them, with Coſts of Suit, to be taxed; and ſhall have Execution for the ſame, unleſs the Plaintiff or Plaintiffs proſecute as Executors or Adminiſtrators, in which Caſe the Sum ſo reported, with the Coſts ſo taxed, ſhall be deemed a Debt of Record, to be paid in the Courſe of Adminiſtration, and the Defendant or Defendants, for the Recovery thereof, ſhall have an Action of Debt, or a *Scire Facias*, againſt the Plaintiff or Plaintiffs.

When the Report of the Referees is confirmed by the Court, and any Sum be found for the Plaintiff, Judgment ſhall be entered for the ſame, with Coſts, if Coſts would have been recovered on a Verdict;
But if they report that there is not any Thing due to the Plaintiff, the Defendant ſhall have Judgment, and recover Coſts, if Coſts, would have been recovered on a Verdict.

If they report a Sum to be due to the Defendant, he ſhall have Judgment againſt the Plaintiff,
And recover the Sum reported, with Coſts, and have Execution for the ſame, unleſs the Plaintiff ſued as Executor or Adminiſtrator, and then the Sum reported, with the Coſts, to be conſidered as a Debt of Record, and the Defendant to have an Action of Debt, or *Scire Facias*, for Recovery thereof.

Where ſuch Action or *Scire Facias* is brought, the Defendant may plead that he had fully adminiſtered at the Time of the Verdict given or Report made

III. *And be it further Enacted by the Authority aforeſaid*, That where any ſuch Action, or *Scire Facias*, ſhall be brought for the Recovery of any Sum ſo found, or reported to be due to any Defendant or Defendants, the Perſon or Perſons againſt whom ſuch Action or *Scire Facias* ſhall be brought, may plead

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plead, that he, ſhe or they, had fully adminiſtered the Goods of his, her or their Teſtator or Inteſtate, at the Time of the Verdict given, or Report made, and may give in Evidence any Payments made by him, her or them, or Judgment obtained againſt him, her or them, before that Time.

A reaſonable Allowance to be made to the prevailing Party, for the Expences of ſuch Reference; and *Subpœna* to iſſue for convening Witneſſes before the Referees.

IV. *And be it further Enacted by the Authority aforeſaid*, That upon taxing the Coſts in all Cauſes ſo referred, where Coſts are to be recovered, a reaſonable Allowance ſhall be made to the prevailing Party, for ſuch Services and Expences as may accrue upon, or attend the Reference of the Cauſe; and that Proceſs of *Subpœna* may iſſue to convene Witneſſes before the Referees, as is uſual on the Execution of Writs of Enquiry of Damages, who ſhall be examined on Oath; and that there ſhall be allowed to each Referee, attending the ſaid Buſineſs, the Sum of *Eight Shillings* for every Day neceſſarily ſpent in the Buſineſs of the Reference, beſides a reaſonable Allowance for their Expences, which ſhall be paid by the prevailing Party, and ſhall be allowed upon taxing Coſts, where Coſts are recoverable. *And further*, That each Referee, before he proceeds to the Buſineſs of the Reference, ſhall take an Oath, *faithfully and fairly to hear and examine the Cauſe, and make a true and juſt Report, according to the Beſt of his Skill and Underſtanding;* which Oath, as well as the Oaths of the Witneſſes, may be taken before any Judge of any Court of Record, or any Juſtice of the Peace.

Allowance to Referees.

Referees to be ſworn.

Where an Action of Debt is brought on any ſingle Bill, or where an Action or *Scire Facias* is brought on a Judgment, if the Money is paid, the Defendant may plead the ſame in Bar.

In Debt on Bond, with Condition for Payment of Money, the Defendant may plead Payment of the Principal and Intereſt, after the Day mentioned in the Condition, in Bar.

V. *And be it further Enacted by the Authority aforeſaid*, That where any Action of Debt is or ſhall be brought upon any ſingle Bill, or where any Action of Debt or *Scire Facias*, is or ſhall be brought upon any Judgment, if the Defendant hath paid the Money due upon ſuch Bill or Judgment, ſuch Payment ſhall and may be pleaded in Bar of ſuch Action or Suit; and where an Action of Debt is or ſhall be brought upon any Bond which hath a Condition or Defeazance to make void the ſame upon Payment of a leſs Sum, at a Day or Place certain, if the Obligor, his Heirs, Executors or Adminiſtrators have, before the Action brought, paid to the Obligee, his Executors or Adminiſtrators, the Principal and Intereſt due by the Condition or Defeazance of ſuch Bond, though ſuch Payment was not made ſtrictly according to the Condition or Defeazance, yet it ſhall and may nevertheleſs be pleaded in Bar of ſuch Action, and ſhall be as effectual a Bar thereof, as if the Money had been paid at the Day and Place, according to the Condition or Defeazance, and had been ſo pleaded.

If at any Time pending an Action, on any Bond with a Penalty, the Defendant brings the Money due, with Coſts, into Court, it ſhall be taken in Diſcharge of ſuch Bond.

VI. *And be it further Enacted by the Authority aforeſaid*, That if at any Time pending an Action upon any ſuch Bond with a Penalty, the Defendant ſhall bring into the Court where the Action ſhall be depending, all the Principal Money and Intereſt due on ſuch Bond, and alſo all ſuch Coſts as have been expended in any Suit or Suits in Law or Equity, upon ſuch Bond, the ſaid Money ſo brought in, ſhall be deemed and taken to be in full Satisfaction and Diſcharge of the ſaid Bond, and the Court ſhall and may give Judgment to diſcharge every ſuch Defendant of and from the ſame accordingly.

In all Actions upon Bonds, for Non-Performance of Covenants, or with any Condition, other than for Payment of Money the Plaintiff may aſſign as many Breaches as he pleaſes, and the Jury may aſſeſs Damages for the ſame.

VII. *And be it further Enacted by the Authority aforeſaid*, That in all Actions now depending, or hereafter to be commenced or proſecuted in any Court of Record, upon any Bond or Bonds, or for any penal Sum, for Non-Performance of any Covenants or Agreements in any Indenture, Deed or Writing contained, or upon any Bond or Bonds, with any Condition, other than for Payment of Money, the Plaintiff or Plaintiffs may aſſign as many Breaches as he or they may think fit, and the Jury upon Trial of ſuch Action or Actions, ſhall and may aſſeſs, not only ſuch Damages and Coſts of Suit as have heretofore been uſually done in ſuch Caſes, but alſo Damages for ſuch of the ſaid Breaches ſo aſſigned, as the Plaintiff or Plaintiffs, upon the Trials of the Iſſues, ſhall prove to have been broken; and that the like Judgment ſhall be

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be entered on ſuch Verdict, as heretofore hath been uſually done in ſuch like Actions: And if the Judgment ſhall be given for the Plaintiff or Plaintiffs, on a Demurrer, or by Confeſſion, or nihil dicit, the Plaintiff or Plaintiffs may ſuggeſt upon the Roll or Record, as many Breaches of the Covenants, Conditions or Agreements, as he or they ſhall think fit, upon which ſhall iſſue a Writ to the Sheriff of the County where the Action is or ſhall be brought or laid, to ſummon a Jury to appear in the Court where the Action is or ſhall be brought, if ſuch Court ſhall ſit in the ſame County where the Action is or ſhall be brought; or in Caſe the Court in which the Action is or ſhall be brought, ſhall not ſit in the County where the Action is laid, then before the Juſtices or Juſtice of the Supreme Court, at the next Circuit Court to be held in the County where the Action is laid, to enquire of the Truth of every one of thoſe Breaches, and to aſſeſs the Damages that the Plaintiff or Plaintiffs ſhall have ſuſtained thereby; in which Writ, if to be executed before the Juſtices of the Supreme Court, or any of them, at the Circuit Court, it ſhall be commanded to the ſaid Juſtices or Juſtice who ſhall hold ſuch Circuit Court, that he or they make a Return thereof to the Court from whence the ſame Writ ſhall iſſue, at the Time in ſuch Writ mentioned. And in Caſe the Defendant or Defendants, after ſuch Judgment entered, and before any Execution executed, ſhall pay into the Court where the Action is or ſhall be brought, to the Uſe of the Plaintiff or Plaintiffs, or his or their Executors or Adminiſtrators, ſuch Damages ſo to be aſſeſſed by Reaſon of all or any of the Breaches of ſuch Covenants, Conditions or Agreements, together with Coſts of Suit, a Stay of Execution of the ſaid Judgment, ſhall be entered upon Record; or if by Reaſon of any Execution executed, the Plaintiff or Plaintiffs, or his or their Executors or Adminiſtrators, ſhall be fully paid or ſatisfied all ſuch Damages ſo aſſeſſed, together with his or their Coſts of Suit, and all reaſonable Charges and Expences for executing the ſaid Execution, the Body, Lands and Goods of the Defendant, ſhall be thereupon forthwith diſcharged from the ſaid Execution, which ſhall likewiſe be entered upon Record; but notwithſtanding, in each Caſe ſuch Judgment ſhall remain, continue and be as a further Security to anſwer to the Plaintiff or Plaintiffs, and his or their Executors or Adminiſtrators, ſuch Damages as ſhall or may be ſuſtained for further Breach of any Covenant or Covenants, Condition or Conditions, Agreement or Agreements in the ſame Bond, Indenture, Deed or Writing contained, upon which the Plaintiff or Plaintiffs, or his or their Executors or Adminiſtrators, may have a *Scire Facias* upon the ſaid Judgment, againſt the Defendant or Defendants, or againſt his, her or their Heirs, Deviſees or Terre-Tenants, or Executors or Adminiſtrators, ſuggeſting other Breaches of the ſaid Covenants, Conditions or Agreements, and to ſummon him or them reſpectively, to ſhew Cauſe why Execution ſhall not be had or awarded upon the ſaid Judgment, upon which there ſhall be the like Proceedings as were in the Action of Debt upon the ſaid Bond or Obligation, for aſſeſſing of Damages upon Trial of Iſſues joined upon ſuch Breaches, or Enquiry thereof, upon a Writ to be awarded in Manner aforeſaid. And that upon Payment or Satisfaction, in Manner as aforeſaid, of ſuch future Damages, Coſts and Charges as aforeſaid, all further Proceedings on the ſaid Judgment, ſhall again be ſtayed, and ſo *toties quoties;* and the Defendant, his Body, Lands and Goods, ſhall be diſcharged out of Execution as aforeſaid.

And if Judgment is given for the Plaintiff on Demurrer, Confeſſion or Default, the Plaintiff may ſuggeſt as many Breaches as he thinks fit, and have a Jury to enquire into the Truth thereof, and aſſeſs the Damages.

On Payment of the Damages aſſeſſed, with Coſts, Execution to be ſtayed;

Or if Damages and Coſts be levied, Defendant to be diſcharged;

But the Judgment to remain to anſwer any further Breach.

And Plaintiff may have a *Scire Facias* thereon.

VIII. *And be it further Enacted by the Authority aforeſaid*, That if any Perſon or Perſons have been, or ſhall be arreſted by any Writ, Bill or Proceſs, iſſuing out of any Court of Record, at the Suit of any common Perſon or Perſons, and the Sheriff, or any other Officer, hath taken, or ſhall take Bail from ſuch Perſon or Perſons, againſt whom ſuch Writ, Bill or Proceſs was or ſhall be taken out, the Sheriff, or other Officer, at the Requeſt and Coſts of the Plaintiff in ſuch Action or Suit, or his lawful Attorney, ſhall aſſign to the Plaintiff

Bail Bonds to be aſſigned to the Plaintiff who may ſue thereon in his own Name.

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Plaintiff in ſuch Action, the Bail-Bond, or other Security taken from ſuch Bail, by indorſing the ſame, and atteſting it under his Hand and Seal, in the Preſence of two or more credible Witneſſes. And if the ſaid Bail-Bond, or Aſſignment, or other Security taken for Bail, be forfeited, the Plaintiff in ſuch Action, after ſuch Aſſignment made, may bring an Action or Suit thereupon, in his own Name; and the Court where the Action is brought, may, by Rule or Rules of the ſame Court, give ſuch Relief to the Plaintiff and Defendant in the original Action, and to the Bail upon the ſaid Bond, or other Security taken from ſuch Bail, as is agreeable to Juſtice and Reaſon; and that ſuch Rule or Rules of the ſaid Court, ſhall have the Nature and Effect of a Defeazance of ſuch Bail-Bond, or other Security for Bail.

Actions not to abate after an interlocutory Judgment, by Reaſon of the Death of the Plaintiff or Defendant;

IX. *And be it further Enacted by the Authority aforeſaid*, That in all Actions depending, or to be commenced in any Court of Record, if any Plaintiff happen to die after an interlocutory Judgment, and before a final Judgment obtained therein, the ſaid Action ſhall not abate by Reaſon thereof, if ſuch Action might be originally proſecuted or maintained by the Executors or Adminiſtrators of ſuch Plaintiff; and if the Defendant die after ſuch interlocutory Judgment, and before final Judgment therein obtained, the ſaid Action ſhall not abate, if ſuch Action might be originally proſecuted or maintained againſt the Executors or Adminiſtrators of ſuch Defendant; and the Plaintiff, or if he be dead, after ſuch interlocutory Judgment, his Executors or Adminiſtrators, ſhall and may have a *Scire Facias* againſt the Defendant, if living, after ſuch interlocutory Judgment, or if he died after, then againſt his Executors or Adminiſtrators, to ſhew Cauſe why Damages in ſuch Action ſhould not be aſſeſſed and recovered by him or them; and if ſuch Defendant, his Executors or Adminiſtrators, ſhall appear at the Return of ſuch Writ, and not ſhew or alledge any Matter ſufficient to arreſt the final Judgment, or being returned warned, or upon two Writs of *Scire Facias*, it be returned, that the Defendant, his Executors or Adminiſtrators, had nothing whereby he or they might be ſummoned, and could not be found in the County, ſhall make Default, that thereupon a Writ of Enquiry of Damages ſhall be awarded, which being executed and returned, Judgment final ſhall be given for the ſaid Plaintiff, his Executors or Adminiſtrators, proſecuting ſuch Writ or Writs of *Scire Facias*, againſt ſuch Defendant, his Executors or Adminiſtrators reſpectively.

And the Plaintiff or his Executors or Adminiſtrators, may have a *Scire Facias*.

Where there are two or more Plaintiffs or Defendants, the Suit ſhall not abate by the Death of one, if the Action ſurvives to the other.

X. *And be it further Enacted by the Authority aforeſaid*, That if in any Action or Suit, there be two or more Plaintiffs or Defendants, and one or more of them ſhall die, if the Cauſe of ſuch Action ſhall ſurvive to the ſurviving Plaintiff or Plaintiffs, or againſt the ſurviving Defendant or Defendants, the Writ or Action ſhall not be thereby abated, but ſuch Death being ſuggeſted upon the Record, the Action ſhall proceed at the Suit of the ſurviving Plaintiff or Plaintiffs, againſt the ſurviving Defendant or Defendants.

Death of either Party between Verdict and Judgment not to be alledged for Error.

XI. *And be it further Enacted by the Authority aforeſaid*, That in all Actions, real, perſonal or mixed, the Death of either Party between the Verdict and the Judgment, ſhall not hereafter be alledged for Error, ſo as ſuch Judgment be entered within two Terms after ſuch Verdict.

The Want of *fifteen* Days between the Teſte and Return of any Jury Proceſs, in perſonal Actions, not to be alledged for Error.

XII. AND *whereas* Suits commenced by original Writs, have been protracted and delayed by Reaſon of the Neceſſity of having *fifteen* Days at the leaſt, between the Days of the Teſte and the Days of the Return of the Writs uſed in perſonal Actions, and in Actions of Ejectment for Lands and Tenements; For Remedy whereof, *Be it further Enacted by the Authority aforeſaid*, That in all Actions of Debt, and all other perſonal Actions whatſoever, and in all Actions of Ejectment for Lands or Tenements now depending, or which

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at any Time hereafter ſhall be depending, by original Writ, in any Court of Record, after any Iſſue joined therein, to be tried by a Jury, and alſo after any Judgment had or obtained, or to be had or obtained, in any ſuch Court, in any ſuch Action as aforeſaid, there ſhall not need to be *fifteen* Days between the Teſte Day and the Day of the Return of any Writ or Writs of *Venire Facias*, *Habeas Corpora Juratorum*, or *Diſtringas Juratores*, Writs of *Fieri Facias*, or *Capias ad Satisfaciendum* (except Writs of *Capias ad Satisfaciendum*, whereon a Writ of *Exigent*, after Judgment, is to be awarded, and Writs of *Capias ad Satisfaciendum* againſt Defendants, in order to make any Bail liable) and that the Want of *fifteen* Days between the Teſte Day and the Day of the Return of any ſuch Writ (except as before excepted) ſhall not be, nor ſhall be aſſigned, taken or adjudged to be any Matter or Cauſe of Error.

After Iſſue joined in any Action, if the Plaintiff neglects to bring ſuch Iſſue to Trial, the Court may give Judgment as in Caſes of Nonſuit;

XIII. And *whereas* many great Inconveniences have ariſen to the Citizens and Inhabitants of this State, by Means of delaying the Trials of Cauſes between Party and Party, after Iſſued joined; For Remedy whereof, *Be it further Enacted by the Authority aforeſaid*, That where any Iſſue is or ſhall be joined, whether the Iſſue-Roll be filed or not, in any Action or Suit at Law, in any Court of Record, and the Plaintiff or Plaintiffs in any ſuch Action or Suit, hath or have neglected, or ſhall neglect to bring ſuch Iſſue on to be tried, according to the Courſe and Practice of the ſaid Courts reſpectively, it ſhall and may be lawful for the Judge or Judges of the ſaid Court reſpectively, at any Time after ſuch Neglect, upon Motion made in open Court, (due Notice having been given thereof) to give the like Judgment for the Defendant or Defendants in every ſuch Action or Suit, as in Caſes of Nonſuit, unleſs the ſaid Judge or Judges ſhall, upon juſt Cauſe and reaſonable Terms, allow any further Time or Times for the Trial of ſuch Iſſue; and if the Plaintiff or Plaintiffs ſhall neglect to try ſuch Iſſue within the Time or Times ſo allowed, then, and in every ſuch Caſe, the ſaid Judge or Judges ſhall proceed to give ſuch Judgment as aforeſaid: And that all Judgments, ſo given, ſhall be of like Force and Effect as Judgments upon Nonſuits, and of no other Force or Effect. *And alſo*, That the Defendant or Defendants ſhall upon ſuch Judgment be awarded, his or her, or their Coſts, in any Action or Suit where he, ſhe or they, would upon Nonſuit be entitled to the ſame, and in no other Action or Suit whatſoever.

And ſuch Judgment to have the ſame Force as Judgments upon Nonſuits.

Where the Defendant lives more than *forty* Miles from the Place of Trial, *fourteen* Days Notice to be given.

XIV. *And be it further Enacted by the Authority aforeſaid*, That no Indictment, Information, or Cauſe whatſoever, ſhall be tried before any Judge or Judges of any Court of Record within this State, where the Defendant or Defendants reſide above *forty* Miles from the Place where the Court is held, in which ſuch Cauſe ſhall be tried, unleſs Notice of Trial in Writing has been given at leaſt *fourteen* Days before ſuch intended Trial.

Countermand of Notice of Trial to be given *ſix* Days before the intended Trial, or Coſts to be paid, as if not countermanded.

XV. *And be it further Enacted by the Authority aforeſaid*, That in Caſe any Party or Parties ſhall have given ſuch Notice of Trial as aforeſaid, and ſhall not afterwards duly countermand the ſame in Writing, at leaſt *ſix* Days before ſuch intended Trial, every ſuch Party ſhall be obliged to pay unto the Party or Parties to whom ſuch Notice of Trial ſhall have been given as aforeſaid, the like Coſts and Charges, as if ſuch Notice of Trial had not been countermanded.

Suits in Chancery, where there are two or more Plaintiffs or Defendants, not to abate by the Death of one of them, if the Cauſe ſurvives to or againſt the other.

XVI. *And be it further Enacted by the Authority aforeſaid*, That if in any Suit or Action now depending, or hereafter to be brought in the Court of Chancery, there be two or more Plaintiffs or Defendants, and one or more of them ſhall die, if the Cauſe of ſuch Suit or Action ſhall ſurvive to the ſurviving Plaintiff or Plaintiffs, or againſt the ſurviving Defendant or Defendants,

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dants, ſuch Suit or Action ſhall not be thereby abated; but ſuch Death being ſuggeſted and ſhewn by Affidavit or otherwiſe, to the Satisfaction of the Court, ſuch Suit or Action ſhall proceed at the Suit of the ſurviving Plaintiff or Plaintiffs, againſt the ſurviving Defendant or Defendants.

But if the Cauſe does not ſurvive, the Suit only to abate with Reſpect to the Perſon deceaſed.

XVII. *And be it further Enacted by the Authority aforeſaid*, That in all and every Suit or Action in the Court of Chancery, in which any Bill or Bills is, are, or ſhall or may hereafter be filed, and in which there ſhall be two or more Plaintiffs or Defendants, and any of them ſhall die, and the Cauſe of Action ſhall not ſurvive, but other Perſons ſhall become Parties in Intereſt, in Right or by the Death of ſuch deceaſed Party, ſuch Suit ſhall, by Reaſon of ſuch Death, be abated, only with Reſpect to ſuch deceaſed Perſon or Perſons, and the ſurviving Plaintiff or Plaintiffs ſhall and may proceed againſt the ſurviving Defendant or Defendants, without reviving the Suit againſt the Repreſentatives of the deceaſed Party, or any other who may become intereſted by the Death of ſuch Perſon or Perſons; but that in ſuch Caſe ſuch Repreſentatives, or ſuch Perſon or Perſons as ſhall become intereſted by the Death of ſuch Party, ſhall not be bound by any Order or Decree, in ſuch Cauſe to which they are not made Parties: And in Caſe the Plaintiff or Plaintiffs ſhall chuſe to make the Repreſentatives of the deceaſed Perſon, or others, who may become intereſted by the Death of ſuch Perſon, Parties to ſuch Suit, no Bill of *Reviſor* or *Subpœna ad Revivendum*, ſhall be neceſſary, but the Court ſhall and may, by Rule or Order, as often as there ſhall be Occaſion for it, direct the Suit to ſtand revived, which Rule or Order ſhall be ſerved on the adverſe Clerk, and unleſs the Repreſentatives of ſuch deceaſed Perſon, or others who may become intereſted by the Death of ſuch Perſon, ſhall, within *eighty* Days after ſuch Service as aforeſaid, appear and put in their Anſwer, or ſignify their Diſclaimer of the Suit, and the Matters in Controverſy therein, the Plaintiff or Plaintiffs may cauſe their Appearance to be entered; and in ſuch Caſe the Anſwer of the deceaſed Perſon ſhall be deemed and taken as and for the Anſwer of ſuch Repreſentatives, or other Perſon or Perſons intereſted by the Death of ſuch Perſon. *And further*, That in Caſe any Plaintiff or Plaintiffs in any ſuch Suit now depending, or hereafter to be brought, wherein the Cauſe of Action ſhall not ſurvive as aforeſaid, ſhall happen to die pending ſuch Suit, the lawful Repreſentative or Repreſentatives of ſuch deceaſed Plaintiff or Plaintiffs, or any other Perſon or Perſons intereſted by the Death of ſuch Plaintiff or Plaintiffs, ſhall and may, upon Affidavit thereof by him or them, or any other Perſon or Perſons, and on Motion made in open Court, be, by the Rule or Order of the Court, inſerted as a Complainant or Complainants in the ſaid Suit, and be permitted to make ſuch Amendment in the Bill or Bills of Complaint, as his, her or their Title or Intereſt therein may require; to which Amendment or Amendments the Defendant or Defendants ſhall be compellable, by Rule or Order of the ſaid Court, to anſwer, proceed to Iſſue, and Examination of Witneſſes, and Production of Proofs, and all other Proceedings ſhall be had thereon as in ordinary Caſes; and in Caſe ſuch Perſon or Perſons ſhall not, in *eighty* Days after the Death or Deaths of ſuch Plaintiff or Plaintiffs, cauſe himſelf, herſelf, or themſelves, to be entered as Plaintiff or Plaintiffs as aforeſaid, in the Room of ſuch deceaſed Plaintiff or Plaintiffs, that then, and in every ſuch Caſe, the ſurviving Plaintiff or Plaintiffs may inſert the Repreſentative or Repreſentatives of ſuch deceaſed Plaintiff or Plaintiffs, or other Perſon or Perſons intereſted by his, her, or their Death, as Defendant or Defendants in ſuch Suit, and proceed in the Manner herein before directed, in Caſes where the lawful Repreſentative or Repreſentatives of a deceaſed Defendant or Defendants, may be made Party or Parties.

Manner of proceeding, if the Plaintiff chuſes to make thoſe intereſted by ſuch Death, Parties to the Suit.

XVIII. *And*

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No Proceſs for Appearance in Chancery to iſſue till Bill filed, except in certain Caſes.

No Injunction to be granted till Bill filed. No Copy of Bill to go with Commiſſion to take Anſwer.

XVIII. *And be it further Enacted by the Authority aforeſaid*, That no *Subpœna* or any Proceſs for Appearance, do iſſue out of the Court of Chancery, until after the Bill is filed with the proper Officer in the ſaid Court, except in Caſes of Bills for Injunctions to ſtay Waſte, or to ſtay Suits at Law commenced; and that no Injunction ſhall be granted or iſſued in any Caſe until the Bill is filed as aforeſaid. *And further*, That no Copy, Abſtract or Tenor of any Bill in Equity, do go with the *Dedimus*, or Commiſſion for taking the Defendant's Anſwer.

If in any Suit in Chancery, the Defendant does not appear, according to the Rules of the Court, and Affidavit is made of his being out of this State, or that he abſents himſelf in this State, the Court to order him to appear by a certain Day.

XIX. *And be it further Enacted by the Authority aforeſaid*, That if in any Suit which hath been or ſhall hereafter be commenced in the Court of Chancery of this State, any Defendant or Defendants, againſt whom any *Subpœna* or other Proceſs ſhall iſſue, ſhall not cauſe his, her or their Appearance to be entered upon ſuch Proceſs, within ſuch Time and in ſuch Manner as, according to the Rules of the ſaid Court, the ſame ought to have been entered, in Caſe ſuch Proceſs had been duly ſerved; or if any ſuch Defendant or Defendants, after Service of any *Subpœna* or other Proceſs ſo iſſued out of the ſaid Court, ſhall neglect or refuſe to enter his, her or their Appearance, within ſuch Time and in ſuch Manner as directed by the Rules of the ſaid Court, and an Affidavit or Affidavits ſhall be made to the Satisfaction of the ſaid Court, that the ſaid Defendant or Defendants is or are beyond Sea, or out of this State, or otherwiſe abſent himſelf, herſelf or themſelves, in this State, then, and in any ſuch Caſe, the ſaid Court ſhall and may make an Order, directing and appointing ſuch Defendant or Defendants to appear at a certain Day therein to be mentioned; and a Copy of ſuch Order ſhall within *twenty* Days, be inſerted in one or more of the public News-Papers printed in this State, and be publiſhed therein *eight* Weeks ſucceſſively, at leaſt once in each of the ſaid Weeks, and if the Defendant or Defendants do not appear within the Time limited by the ſaid Order, or within ſuch further Time as the Court ſhall appoint, then, on Proof made to the Satisfaction of the Court, that ſuch Order was duly publiſhed as aforeſaid, the ſaid Court may order the Plaintiffs Bill to be taken *pro Confeſſo*, and make ſuch Decree thereupon as ſhall be thought juſt; and may thereupon iſſue Proceſs to compel the Performance of ſuch Decree, either by an immediate Sequeſtration of the real and perſonal Eſtate and Effects of the Defendant or Defendants ſo abſent as aforeſaid, or ſuch Part thereof as may be ſufficient to ſatisfy the Demands of the Plaintiff in the ſaid Suit, or by cauſing Poſſeſſion of the Eſtate or Effects demanded by the Bill to be delivered to the Plaintiff; and the ſaid Court of Chancery may likewiſe order ſuch Plaintiff or Plaintiffs to be paid and ſatisfied his, her or their Demands out of the Eſtate or Effects ſo ſequeſtered, according to the true Intent and Meaning of ſuch Decree; ſuch Plaintiff or Plaintiffs firſt giving ſufficient Security in ſuch Sum as the Court ſhall think proper, to abide ſuch Order touching the Reſtitution of ſuch Eſtate or Effects as the ſaid Court ſhall think proper to make concerning the ſame, upon the Defendant or Defendants Appearance to defend ſuch Suit, and paying ſuch Coſts to the Plaintiff or Plaintiffs, as the Court ſhall order: But if the Plaintiff or Plaintiffs ſhall refuſe or neglect to give ſuch Security as aforeſaid, then the ſaid Eſtate or Effects ſhall remain under the Direction of the ſaid Court, until the Appearance of the Defendant or Defendants, and his, her or their paying ſuch Coſts to the Plaintiff or Plaintiffs, as the ſaid Court ſhall think reaſonable, or until ſuch Order ſhall be made therein as the Court ſhall think juſt.

Such Order to be publiſhed:

And if the Defendant does not appear within ſuch Time, the Bill to be taken *pro Confeſſo*.

If any Decree is made againſt a Perſon ſo abſent, he or his Repreſentatives may, within a certain Time, and

XX. *Provided always, and it is hereby further Enacted by the Authority aforeſaid*, That if any Decree ſhall be made, in Purſuance hereof, againſt any Perſon or Perſons ſo abſent as aforeſaid, and ſuch Perſon or Perſons, his, her or their Heirs, Deviſees, Executors or Adminiſtrators (as the Caſe may require)

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require) ſhall, within one Year after Notice in writing being given to him, her or them, of ſuch Decree, or, if no ſuch Notice is given, then within *ſeven* Years after the making of ſuch Decree, appear in Court, and petition to be heard with Reſpect to the Matter of ſuch Decree, and ſhall pay down, or give Security for Payment of ſuch Coſts as the Court ſhall think reaſonable in that Behalf, the Perſon or Perſons ſo petitioning, may be admitted to anſwer the Bill exhibited, and Iſſue may be joined, and Witneſſes on both Sides examined, and ſuch other Proceedings, Decree and Execution may be had thereon, as if the abſent Defendant or Defendants had originally appeared, or as if no former Decree had been in the ſame Cauſe.

on certain Conditions, be permitted to anſwer as if he had appeared at firſt;

XXI. *Provided nevertheleſs, and be it further Enacted by the Authority aforeſaid*, That if any Perſon or Perſons, againſt whom ſuch Decree ſhall be made, his, her or their Heirs, Deviſees, Executors or Adminiſtrators, ſhall not, within *ſeven* Years next after the making of ſuch Decree, appear and petition to have the Cauſe re-heard, and pay down, or give Security for Payment of ſuch Coſts as the Court ſhall think reaſonable in that Behalf, ſuch Decree made as aforeſaid, ſhall ſtand abſolutely confirmed againſt the ſaid Perſon or Perſons againſt whom ſuch Decree ſhall be made, his, her and their Heirs, Executors and Adminiſtrators, and againſt all Perſons claiming, or to claim, by, from or under him, her, them, or any of them, by Virtue of any Act done or to be done, ſubſequent to the Commencement of ſuch Suit; and at the End of ſuch *ſeven* Years, it ſhall and may be lawful for the Court to make ſuch further Order as ſhall be juſt and reaſonable, according to the Circumſtances of the Caſe.

And if he does not appear within *ſeven* Years, then the Decree ſhall ſtand abſolutely confirmed.

XXII. *And be it further Enacted by the Authority aforeſaid*, That if any Defendant or Defendants ſhall be brought into the ſaid Court of Chancery, by any Writ of *Habeas Corpus*, or other Proceſs iſſuing out of the ſaid Court, and ſhall refuſe or neglect to enter his, her or their Appearance, according to the Rules of the ſaid Court, or to appoint a Clerk in Court to act on his, her or their Behalf reſpectively, the ſaid Court may appoint a Clerk in Court to enter an Appearance for ſuch Defendant or Defendants reſpectively, and ſuch Proceedings may thereupon be had in the Cauſe, as if the Party had actually appeared.

If a Defendant is brought into the Court of Chancery by *Habeas Corpus*, or other Proceſs, and refuſes to enter his Appearance, the Court to appoint a Clerk to enter it for him.

XXIII. *And be it further Enacted by the Authority aforeſaid*, That all Perſons who now are, or hereafter ſhall be jointly indebted to any other Perſon or Perſons whomſoever, for or upon any joint Contract, Obligation, Matter or Thing whatſoever, for which Remedy could or might be had at Law againſt ſuch Debtors, in Caſe all were or could be taken by Proceſs iſſued out of any Court in this State, ſhall be anſwerable to their Creditors ſeparately for ſuch Debts; *That is to ſay*, Such Creditor or Creditors ſhall and may iſſue Proceſs againſt ſuch joint Debtors in the Manner now in uſe; and in Caſe any or either of ſuch joint Debtors ſhall be taken and brought into Court, by Virtue of ſuch Proceſs, he, ſhe or they ſo taken and brought into Court, ſhall anſwer to the Plaintiff or Plaintiffs; and in Caſe the Judgment ſhall paſs for the Plaintiff or Plaintiffs, he, ſhe or they ſhall have his, her or their Judgment and Execution againſt him, her or them, ſo brought into Court, and againſt the other joint Debtor or Debtors named in the Proceſs, in the ſame Manner as if they had been all taken and brought into Court by Virtue of ſuch Proceſs: But it ſhall not be lawful to iſſue or execute any ſuch Execution againſt the Body, or againſt any Lands or Goods, the ſole Property of any Perſon not brought into Court.

Perſons jointly indebted ſhall be ſeparately anſwerable to their Creditors, and the Mode of Proceeding where they cannot all be taken.

XXIV. AND *whereas* a Practice hath lately been introduced of inſerting in Bonds, Bills, Covenants and other Contracts in Writing, a Clauſe, or Power,

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or Warrant, to confeſs
ignorant of the Effica
Warrant, have ſuffere
Enacted by the Authority
upon any Bond, Bill,
after the *firſt* Day of
by Virtue or in Conſeq
ever, contained, writ
Parchment, with the ſ
That every Attorney w
ſhall, at the Time of
making the ſame, to t
Confeſſion, and the ſa
of the Court in which
Judgment ſhall hereafte
before any or either
Mayors Courts, or eit
the ſame ſhall be void
tofore *bona Fide* entere
firſt Day of *May* next
confirmed, although t
Confeſſion, before one

No Judgment to be entered on any Bond or Writing on the Confeſſion of an Attorney, by Virtue of a Power contained in the ſame Bond or Writing.

Warrant of Attorney, on Confeſſion of Judgment, to be produced and filed.

No Confeſſion of Judgment in Mayors Courts or Common Pleas, to be taken out of Court;

But ſuch Judgments entered before *firſt May*, 1788, confirmed.

XXV. *And be it*
Supreme Court ſhall a
oners, under the Seal
Need ſhall require, e
ſhall think fit and nece
State, to take and rec
Perſon or Perſons ſhall
of the Perſons ſo emp
depending, or hereaft
Proceedings to be had
quer; which ſaid Affid
Officer of the Court
made uſe of in the ſaid
taken before any or e
may be. And that a
ſhall be of the ſame F
Court of Exchequer
or herſelf, in any ſu
the ſame Penalties as
in open Court. *And*
the Perſon ſo empow
ſo doing, *One Shilling*

Supreme Court to commiſſion Perſons in the different Counties to take Affidavits.

‡ *So in the Original.*

Fee allowed for taking ſuch Affidavit.

XXVI. *And be it*
ſeveral Judges of the
and Counties of this
empowered, in each
or ſhall be commiſſio
Recognizances of Ba
to make before him,
depending in the Sup
ner and Form, and
Juſtices of the Supre
zance or Recognizanc

Recognizances of Bail or Bail-Pieces, before whom and how to be taken in the ſeveral Counties.

onfeſs a Judgment thereon, whereby many Perſons, being Efficacy and Conſequence of ſuch a Clauſe, Power, or ſuffered great Loſs; For Remedy whereof, *Be it further hority aforeſaid*, That no Judgment ſhall hereafter be entered Bill, Covenant or other Contract in Writing, to be made y of *January* next, upon the Confeſſion of any Attorney, Conſequence of any Warrant, Power or Authority whatſo- written or printed in the ſame Inſtrument, Paper or the ſame Bond, Bill, Covenant or Contract. *And further*, rney who ſhall confeſs any Judgment in any Caſe whatſoever, me of making ſuch Confeſſion, produce his Warrant for ; to the Court or Judge before whom he makes the ſame the ſame Warrant ſhall then be filed with the proper Officer which the Judgment ſhall be entered. *And moreover*, No ereafter be entered upon any Confeſſion taken out of Court, ither of the Judges of the Courts of Common Pleas, or or either of them; and if any Judgment ſhall be ſo entered, void and holden for none. But all ſuch Judgments here- entered, and which ſhall be *bona Fide* entered before the next, and all Executions thereon, ſhall be, and hereby are ough the ſame Judgments were or ſhall be entered upon re one only, or more of the Judges out of Court.

be it further Enacted by the Authority aforeſaid, That the ſhall and may, by one or more Commiſſion, or ‡ Commiſſi- e Seal of the ſaid Supreme Court, from Time to Time, as ire, empower ſuch and ſo many Perſon and Perſons, as they d neceſſary, in all and every the ſeveral Counties within this nd receive all and every ſuch Affidavit and Affidavits, as any ns ſhall be willing and deſirous to make, before any or either o empowered, in or concerning any Matter, Cauſe or Thing hereafter to be depending, or any wiſe concerning any of the be had in the ſaid Supreme Court, or in the Court of Exche- d Affidavits, taken as aforeſaid, ſhall be filed with the proper Court in which they are to be uſed, and then be read and the ſaid Court, to all Intents and Purpoſes, as other Affidavits y or either of the Juſtices of the Supreme Court, now are or that all and every Affidavit and Affidavits, taken as aforeſaid, ſame Force as Affidavits taken in the ſaid Supreme Court, or hequer now are; and that every Perſon forſwearing himſelf any ſuch Affidavit or Affidavits, ſhall incur and be liable unto ties as if ſuch Affidavit or Affidavits had been made and taken *And further*, That for the taking of every ſuch Affidavit, empowered, and taking the ſame, ſhall take and receive for *Shilling*, and no more.

d be it further Enacted by the Authority aforeſaid, That the of the Courts of Common Pleas within the reſpective Cities of this State, ſhall be, and hereby are fully authorized and n each of the ſaid Cities and Counties, where ſuch Judges are mmiſſioned, to take and receive every ſuch Recognizance or s of Bail, as any Perſon or Perſons is, are or ſhall be deſirous re him, in any Action or Suit depending or hereafter to be he Supreme Court, or Court of Exchequer; and in ſuch Man- , and by ſuch Recognizance or Bail-Piece, as the reſpective e Supreme Court uſually take the ſame; which ſaid Recogni- gnizances, or Bail-Piece or Bail-Pieces, ſo taken as aforeſaid, ſhall

ſhall be forthwith tranſmitted, by the Defendant in the Sui
one of the Juſtices of the Supreme Court; and the ſaid Juſtic
Recognizance or Bail-Piece ſhall be ſo tranſmitted, ſhall acc
the ſame: And every ſuch Recognizance of Bail, or Bail-Piec
tranſmitted as aforeſaid, ſhall be of the like Effect as if the ſa
before any Juſtice or Juſtices of the ſaid Supreme Court; an
or Cognizors of ſuch Bail or Bails, ſhall not be compelled to a
before ſuch Juſtice or Juſtices, or in the ſaid Supreme Cou
Exchequer: And the ſaid Judges of the Courts of Comm
examine the Sureties to ſuch Recognizances of Bail, or
aforeſaid, when and ſo often as they ſhall be thereunto reſpect
by any Perſon or Perſons concerned, intereſted in, or affect
Recognizance, or Surety thereon, concerning the Value o
Eſtate, and perſonal Circumſtances. *Provided always*, Th
their Council or Attornies, ſhall have the ſame Time allowe
againſt the Sureties to be given in the Manner aforeſaid, as
ſuch Recognizance or Bail is taken before one of the Juſtices
Court. *And further*, That ſuch Juſtice of the Supreme Cou
and receive any ſuch Recognizance or Bail-Piece, ſo to him t
receive one Half ſuch Fees as he is or ſhall be entitled to by
Bail, and upon Receipt thereof, ſhall file ſuch Recognizance
Piece, and in all Things proceed thereon as if the ſaid Reco
or Bail-Piece, had been taken by him; and the Judge of th
mon Pleas, who ſhall take ſuch Recognizance of Bail, or Ba
allowed and receive for taking the ſame, one Half of ſuch F
be allowed by Law to the Juſtices of the Supreme Court,
when the ſame is taken before them or any of them, and n

XXVII. *And be it further Enacted by the Authority aforeſai*
or at any Time hereafter, any Defendant or Defendants be
in Cuſtody, at the Suit of any Perſon or Perſons, upon an
or Proceſs, out of any Court of Record, and impriſoned or
for Want of Sureties, for his, her or their Appearance
Plaintiff or Plaintiffs in ſuch Writ or Writs, or Proceſs, ſ
Virtue of this Act, before the End of the next Term a
Proceſs ſhall be returnable, declare againſt ſuch Priſoner or
reſpective Court or Courts, out of which the Writ or Writs,
whereupon the Priſoner or Priſoners ſhall have been, or n
impriſoned, or charged in Cuſtody, and ſhall or may cauſe a
to be delivered to ſuch Priſoner or Priſoners, or to the Sheri
Gaoler or Keeper of the Priſon or Gaol, in whoſe Cuſtod
Priſoners ſhall be and remain; to which Declaration or
ſaid Priſoner or Priſoners ſhall appear and plead; and i
Priſoners ſhall not appear and plead to the ſame, the Pla
in ſuch Caſes, ſhall have Judgment in ſuch Manner as if t
ſoners had appeared in the ſaid reſpective Courts, and ref
plead to ſuch Declaration. *And further*, That in all D
any Priſoner or Priſoners, detained in Priſon by Virtue of a
iſſued, or to be iſſued out of any Court of Record, it ſh
Cuſtody of what Sheriff or Officer ſuch Priſoner or Priſo
Time of ſuch Declaration, by Virtue of the Proceſs of
the Suit of the Plaintiff or Plaintiffs. *And moreover*, Tha
Officer, Gaoler or Keeper of any Priſon or Gaol, upo
Copy of any ſuch Declaration ſhall be ſerved, ſhall, within
deliver the ſame to the Defendant or Defendants therein n
of the Time of the Service thereof, upon ſuch Sheriff or
and if any ſuch Sheriff, Officer, Gaoler, or Keeper of

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the Suit or Action, to
l Juſtice to whom ſuch
hall accept and receive
ail-Piece, ſo taken and
f the ſame were taken
urt; and the Cognizor
ed to appear in Perſon
he Court, or Court of
Common Pleas ſhall
il, or Bail-Pieces, as
reſpectively requeſted,
affected by ſuch Bail,
Value of ſuch Surety's
ws, That all Plaintiffs,
allowed for excepting
id, as is allowed when
juſtices of the Supreme
he Court as ſhall accept
him tranſmitted, ſhall
l to by Law for taking
nizance of Bail or Bail-
l Recognizance of Bail
e of the Court of Com-
or Bail-Piece, ſhall be
ſuch Fee, as is or ſhall
Court, for taking Bail,
and no more.

Before whom Affidavits to juſtify ſuch Bail may be made.

Time allowed for excepting againſt the Bail.

Juſtices of the Supreme Court to receive Half the Fees allowed; and the Perſon taking the Recognizance the other Half.

aforeſaid, That, if now,
ants be taken or charged
pon any Writ or Writs,
ed or detained in Priſon
rance to the ſame, the
ceſs, ſhall and may, by
erm after ſuch Writ or
oner or Priſoners, in the
Writs, or Proceſs iſſued,
, or may be taken and
cauſe a true Copy thereof
e Sheriff or other Officer,
Cuſtody ſuch Priſoner or
ion or Declarations, the
and if ſuch Priſoner or
the Plaintiff or Plaintiffs
as if the Priſoner or Pri-
and refuſed to anſwer or
all Declarations againſt
ue of any Writ or Proceſs
, it ſhall be alledged in
r Priſoners ſhall be at the
eſs of the ſaid Court, at
, That every ſuch Sheriff,
, upon whom any ſuch
within *ten* Days thereafter,
erein named, with a Note
iff or Officer as aforeſaid;
er of any Priſon or Gaol,

Time and Manner of declaring againſt a Defendant returned in Cuſtody.

Such Declaration to alledge in whoſe Cuſtody the Priſoner is.

Sheriff or other Officer, in *ten* Days after the Receipt of a Copy of a Declaration, to deliver the ſame to the Defendant named therein.

to

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to whom any ſuch Copy ſhall neglect to deliver Sheriff, Officer, Gaoler anſwerable to ſuch Defe ſuch Neglect.

XXVIII. And *wher* the Poor as to the Rich Ability to ſue according them done, as well con Cauſes; *Be it further E* Perſon or Perſons who againſt any Perſon or P the Chancellor for the T *pœna*, according to the for the Seals, or for wri cuted in the Court of C Perſon or Perſons, Cou Officers requiſite and ne Suits, who ſhall give th Reward for their Counc if ſuch Action or Actio ſecuted in any other Co their Diſcretion, aſſign the Law, and Attornies, proſecuting and ſpeeding Council, and do their Help and Buſineſs in th Plaintiff or Plaintiffs ſha againſt him, her or ther not be compelled to pay ſuch Action or Suit.

Perſons having cauſe of Action againſt others, and being too poor to proſecute, to be aſſiſted at the Diſcretion of the Court.

XXIX. And *whereas* Suits brought for the ſa for the Plaintiff, and the Injury of the Plaintiff, Defendant, at the Com *it further Enacted by the A* in all ſuch Actions of Tre or proper Clauſe for tha Proceſs; and that the Pl well thereupon, as upon in Aſſumption, and othe that both Parties ſhall be Court, reſpecting ſuch S in other Caſes.

Plaintiff entitled to ſpecial Bail in Actions of Treſpaſs on Lands.

XXX. *And be it furt* Actions of Treſpaſs *quar* brought, wherein the De their Plea, to make any is, by the Declaration, ſup or involuntary, the Defe Diſclaimer, and that the a Tender or Offer of ſuf brought, whereupon, or be enforced to join Iſſue or Defendants, or the Pl

In Actions of Treſpaſs *Quare clauſum Fregit* Defendant may diſclaim and plead that the Treſpaſs was involuntary, and tender Amends.

n Copy of any Declaration ſhall be delivered as aforeſaid, deliver the ſame to ſuch Defendant or Defendants, ſuch Gaoler or Keeper of any Priſon or Gaol, ſhall be liable and h Defendant or Defendants for all Damages occaſioned by

o *whereas* equal Juſtice ought to be adminiſtred as well to he Rich; and for the Relief of the Poor who be not of cording to Law for the Redreſs of Injuries and Wrongs to ell concerning their Perſons and their Inheritance, as other *ther Enacted by the Authority aforeſaid*, That every ſuch poor s who have, or hereafter ſhall have Cauſe of Action or Suit n or Perſons in this State, ſhall have, by the Diſcretion of r the Time being, Writ or Writs original, or Writs of *Sub-* to the Nature of their Cauſes, without paying any Thing or writing of the ſame Writs; and if the Suit is to be proſe- t of Chancery, the Chancellor ſhall aſſign to the ſame poor s, Council learned in the Law, and Solicitors, and all other and neceſſary for the proſecuting and ſpeeding of the ſame give their Council, and do their Duty without taking any Council, Help and Buſineſs in the ſame Suit or Suits. And Actions, Suit or Suits, is or are to be commenced or pro- ner Court, the Judges or Juſtices of ſuch Court ſhall, by aſſign to ſuch poor Perſon or Perſons, Council learned in cornies, and all other Officers requiſite and neceſſary for the peeding of the ſame Actions and Suits, who ſhall give their their Duty without taking any Reward for their Council, s in the ſame Actions and Suits. And in Caſe any ſuch iffs ſhall be nonſuited, or a Verdict or Judgment be given or them, in any ſuch Action or Suits, he, ſhe or they ſhall to pay any Coſts to the Defendant or Defendants in any it.

whereas Perſons treſpaſſing upon Lands, often defend againſt the ſame, under feigned Pretences, until Judgment paſſes and then abſcond or depart out of the State, to the great intiff, or true Proprietors, for Want of Bail given by the e Commencement of the Suit; For Remedy whereof, *Be by the Authority aforeſaid*, That the Plaintiff or Plaintiffs ſhall, of Treſpaſs, be entitled to Special Bail, and that an *ac etiam*, for that Purpoſe, may be accordingly inſerted in the firſt the Plaintiff or Plaintiffs ſhall have all the Advantages, as s upon the Bail-Bonds that may be taken on the Arreſt, as d other Actions where the Defendant is held to Bail; and hall be ſubject to ſuch diſcretionary Rules and Orders of ſuch Suits in Treſpaſs, and on the Bail-Bonds, as are uſed

it further Enacted by the Authority aforeſaid, That in all ſs *quare clauſum fregit*, already brought, or hereafter to be the Defendant or Defendants ſhall diſclaim in his, her or ke any Title or Claim to the Land in which the Treſpaſs ion, ſuppoſed to be done, and the Treſpaſs be by Negligence he Defendant or Defendants ſhall be admitted to plead a hat the Treſpaſs was by Negligence or involuntary, and of ſufficient Amends for ſuch Treſpaſs before the Action on, or upon ſome of them, the Plaintiff or Plaintiffs ſhall n Iſſue; and if the ſaid Iſſue be found for the Defendant the Plaintiff or Plaintiffs ſhall be nonſuited, the Plaintiff

or

or Plaintiffs ſhall be clearly barred from the ſaid Action or A
other Suits concerning the ſame.

XXXI. *And be it further Enacted by the Authority aforeſai*
tory Plea ſhall hereafter be received in any Court of Record,
offering ſuch Plea, do, by Affidavit, prove the Truth thereo
probable Matter to the Court, to induce them to believe that
dilatory Plea is true.

XXXII. *And be it further Enacted by the Authority afo*
Grants and Conveyances made ſince the *eighth* Day of *Ma*
of our Lord One Thouſand Seven Hundred and Seventy-thr
to be made, by Fine or otherwiſe, of any Manors, Meſſua
nements or Rents, or of the Reverſion or Remainder of
Lands or Tenements, ſhall be good and effectual, to all Inte
without any Attornment of the Tenants of any ſuch Ma
Lands or Tenements, or of the Lands out of which ſuch Ren
or of the particular Tenants upon whoſe particular Eſtates
ſions or Remainders were, ſhall or may be expectant or
their Attornment had been had and made. *Provided neve*
ſuch Tenant ſhall be prejudiced or damaged by Payment of
ſuch Grantor or Cognizor, or by Breach of any Condition f
of Rent, before Notice given to him of ſuch Grant, by
Grantee.

XXXIII. *And be it further Enacted by the Authority aforeſa*
ranties which have been made ſince the ſaid *eighth* Day of M
of our Lord One Thauſand Seven Hundred and Seventy-
ſhall hereafter be made, by any Tenant for Life, of any La
or Hereditaments, the ſame deſcending or coming to any Pe
or Remainder, ſhall be void and of none Effect; and likew
Warranties which have been made ſince the ſaid *eighth* Day
Year of our Lord One Thouſand Seven Hundred and S
which ſhall hereafter be made, of any Lands, Tenements o
by any Anceſtor who had or has no Eſtate of Inheritance i
ſame, at the Time of making ſuch Warranty, ſhall be void

XXXIV. *And be it further Enacted by the Authority af*
dying ſeiſed of any Diſſeiſor of or in any Manors, Lands, Te
Hereditaments, having no Right or Title therein, ſhall not be
any ſuch Deſcent in the Law, as to toll or take away the E
Perſon or Perſons, or their Heirs, who at the Time of t
had, or ſhall have, good and lawful Title of Entry into
Lands, Tenements or Hereditaments, except that ſuch Diſſ
peaceable Poſſeſſion of ſuch Manors, Lands, Tenements o
whereof he hath died or ſhall die ſeiſed, by the Space of *fiv*
the Diſſeiſin by him committed, without Entry or continu
ſuch Perſon or Perſons as had or ſhall have lawful Title the

XXXV. *And be it further Enacted by the Authority afo*
Perſon who ſhall hereafter be appointed Foreman of a Gr
from the Time of his being appointed till his Diſcharge
authoriſed to adminiſter the uſual Oath to ſuch Witneſſes as
Evidence to the Grand Jury whereof he is Foreman.

XXXVI. *And be it further Enacted by the Authority aforeſ*
concerning *Attaints* upon untrue Verdicts ſhall be, and her

on or Actions, and all

foreſaid, That no dila-
ecord, unleſs the Party
thereof, or ſhew ſome
ve that the Fact of ſuch

No dilatory Plea to be received, unleſs the Truth thereof be proved.

ity aforeſaid, That all
of *March*, in the Year
nty-three, or hereafter
Meſſuages, Lands, Te-
ler of any Meſſuages,
ll Intents and Purpoſes,
ch Manors, Meſſuages,
h Rents ſhall be iſſuing,
Eſtates any ſuch Rever-
nt or depending, as if
ed nevertheleſs, That no
ent of any Rent to any
lition for Non-Payment
nt, by the Conuſee or

All Grants and Conveyances of Lands to be good, without Attornment of the Tenants.

But no Tenant to be prejudiced before Notice of the Grant.

aforeſaid, That all War-
y of *March*, in the Year
eventy-three, or which
any Lands, Tenements
any Perſon in Reverſion
d likewiſe, all colateral
th Day of *March*, in the
and Seventy-three, or
ments or Hereditaments,
tance in Poſſeſſion in the
be void againſt his Heirs.

Warranties by Tenants for Life, void againſt thoſe in Reverſion or Remainder.

Colateral Warranties of Lands by an Anceſtor, having no Eſtate of Inheritance in Poſſeſſion therein, to be void againſt his Heirs.

rity aforeſaid, That the
nds, Tenements or other
l not be taken or deemed
y the Entry of any ſuch
me of the ſame Deſcent,
ry into the ſaid Manors,
ch Diſſeiſor hath had the
ments or Hereditaments,
e of *five* Years next after
continual Claim, by or of
itle thereunto.

The dying ſeiſed of a Diſſeiſor not to toll or take away the Entry of any Perſon having lawful Title of Entry, unleſs ſuch Diſſeiſor had peaceable Poſſeſſion for *five* Years.

rity aforeſaid, That every
f a Grand Jury, ſhall be
ſcharge, empowered and
eſſes as ſhall come to give
n.

The Foreman of a Grand Jury empowered to adminiſter Oaths to Witneſſes.

ty aforeſaid, That the Law
and hereby is aboliſhed.

Law concerning Attaints on untrue Verdicts aboliſhed.

XXXVII. *And*

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Statutes of *Great-Britain* to be no longer conſidered as Laws of this State.

XXXVII. *And be it further Enacted by the Authority aforeſaid*, That from and after the *firſt* Day of *May* next, none of the Statutes of *England*, or of *Great-Britain*, ſhall operate or be conſidered as Laws of this State.

CHAP. XLVII.

Continued and amended, 12th Seſſ. Ch. 21.

An ACT *for appointing Commiſſioners to hold Treaties with the Indians, within this State.*

Paſſed 1ſt March, 1788.

The Governor and other Perſons appointed Commiſſioners to treat with the Indians, either ſeparately or with Commiſſioners, to be appointed by the State of *Maſſachuſetts*.

I. BE *it Enacted by the People of the State of* New-York, *repreſented in Senate and Aſſembly, and it is hereby Enacted by the Authority of the ſame*, That the Perſon adminiſtring the Government of this State for the Time being, and *William Floyd*, *Ezra L'Hommedieu*, *John Lawrance*, *Richard Varick*, *Samuel Jones*, *Egbert Benſon* and *Peter Ganſevoort*, junior, be, and are hereby appointed Commiſſioners, with Power, either jointly with Commiſſioners to be appointed by the Commonwealth of *Maſſachuſetts*, for the Purpoſe, or on the Part of this State ſeparately, to hold Treaties and Conferences, from Time to Time, as the Perſon adminiſtring the Government of this State for the Time being, ſhall deem the Occaſion to require, with the Indians reſiding within this State, or every and any Tribe or Nation of the ſaid Indians, touching ſuch Matters, and to take ſuch Meaſures for preſerving the Friendſhip of the ſaid Indians, and alſo to enter into ſuch Engagements and Contracts with the ſaid Indians. And to purchaſe or procure from them, ſuch Lands and other Hereditaments, on ſuch Terms, and in ſuch Form, as the ſaid Commiſſioners hereby appointed, ſhall deem fit for the Welfare of this State; and with further Power to enquire touching all Leaſes, or other Purchaſes of, or Contracts for the Sale of Lands, ſuggeſted to have been obtained or made without the Authority or Conſent of the Legiſlature, from or with the ſaid Indians, or any of them, by or to any Perſon or Perſons; and to make Report thereof, from Time to Time, to the Legiſlature; and to that End to examine Perſons on Oath touching the Premiſes ſo to be enquired of: And by Writing under their Hands, to require Perſons to appear before them, at ſuch Time and Place as ſhall be ſpecified in ſuch Writing, and to give Evidence touching the ſaid Premiſes, on Pain of *One Hundred Pounds*. And every Perſon being duly ſummoned, who ſhall refuſe to appear, or appearing, ſhall refuſe to give Evidence, ſhall forfeit the ſaid Sum of *One Hundred Pounds*, to the People of this State. And with further Power to make and enter into Agreements and Stipulations with Commiſſioners to be authoriſed by the Commonwealth of *Maſſachuſetts* for that Purpoſe, touching the Means to be uſed by the ſaid Commonwealth and this State jointly, for preventing Intruſions on the Lands reciprocally ceded by this State and the ſaid Commonwealth, to each other, and for preſerving to the ſaid Commonwealth and this State, their reſpective Rights to the ſaid Lands.

Their Powers.

Governor authoriſed to order out the Militia, to the Places where ſuch Treaties may be held; and the Militia to be paid for their Services.

II. AND for the more orderly holding and conducting ſuch Treaties, *Be it further Enacted by the Authority aforeſaid*, That it ſhall be lawful for the Perſon adminiſtring the Government of this State for the Time being, in his Diſcretion, to order out any Proportion of the Militia from any Part of this State, to march to the Place or Places where the ſaid Treaties and Conferences may, from Time to Time, be held, and ſuch Occaſion to be deemed an Emergency intended in the ſecond Section of the Act, entitled, ‡ *An* Act *to regulate the Militia*, paſſed the 4th Day of *April*, One Thouſand Seven Hundred and Eighty-ſix: And the Detachments, ſo from Time to Time to be ordered out, to receive the ſame Pay and Rations, and to be ſubject to the ſame Rules and Regulations, as is provided in the ſaid Section of the

‡ *9th Seſſ. Ch. 25.*

the said Act. *And further*, That it shall be lawful for the said Commissioners, by Writing under their Hands, to require any and every Person, not being an actual Resident within one Mile of the Place where the said Treaties may, from Time to Time, be held, to depart from such Place, within such reasonable Time as in such Writing shall be specified, and to retire to such convenient Distance from the said Place, as the said Commissioners shall deem proper; and every Person who being so required to depart, shall not depart, or departing, shall, during the holding such Treaty, return again to such Place, without the Licence of the Commissioners, shall be deemed to have offended against the People of this State, and shall, on Conviction, be punished by Fine or Imprisonment, in the Discretion of the Court. *And further*, That it shall be lawful for the said Commissioners, by Warrant under their Hands, to be directed to the Sheriff of the County, or to such other Person as they shall appoint to execute the same, to cause every Person so refusing to depart, or who having departed, shall return again without such Licence as aforesaid, to be apprehended, and to be conveyed to the Gaol of the City and County of *Albany*, and there to remain in close Custody, without Bail or Mainprize, for such Time as the said Commissioners shall deem it probable the said Treaty will be in holding, and to be specified in the said Warrant; but not to exceed *one* Month from the Date of such Warrant; and the Keeper of the said Gaol is hereby required to receive every such Person so committed, and safely keep him in close Custody in his Gaol accordingly.

Commissioners authorised to order any Persons to depart from the Places where such Treaties may be held,

And Refusal to depart, or returning, to be deemed a public Offence;

And Commissioners authorised to commit such Persons to Gaol.

III. *And be it further Enacted by the Authority aforesaid*, That it shall be lawful for the Person administring the Government of this State for the Time being, from Time to Time, by Warrant under his Hand, to draw from the Treasury of this State, such Sum and Sums of Money, as the said Commissioners shall deem necessary to be expended and applied in the Execution of the Trust and Powers hereby granted, in such Manner as they shall deem proper and beneficial for the State: And the Treasurer of this State is hereby required, out of any Monies he may have in the Treasury, forthwith to answer such Warrants; any other Appropriations of the said Monies, not being Appropriations to private Persons in Discharge of Contracts, notwithstanding. And every Person to be appointed or intrusted by the said Commissioners, with the Expenditure of any of the said Monies, shall be responsible to the People of this State, for the respective Expenditures, and shall account with the Auditor of this State accordingly.

Governor authorised to draw from the Treasury such Sums as the Commissioners shall deem necessary.

Such Monies to be accounted for by the Persons intrusted with the Expenditure thereof.

IV. *And be it further Enacted by the Authority aforesaid*, That the Commissioners hereby nominated and appointed, shall continue in Office until *thirty* Days after a Quorum of both Houses shall be assembled at the first Meeting of the Legislature, after the *first* Monday in *July* next, and no longer; and that any four of the said Commissioners, of which the Person administring the Government for the Time being, always to be one, shall be a Quorum, from Time to Time, to execute the Trusts and Powers hereby granted.

How long Commissioners appointed by this Act, to continue in Office.

CHAP. XLVIII.

An ACT *to lay a Duty of Excise on strong Liquors, and for the better regulating of Inns and Taverns.*

Passed 1st March, 1788.

I. BE *it Enacted by the People of the State of* New-York, *represented in Senate and Assembly, and it is hereby Enacted by the Authority of the same*, That it shall and may be lawful for the Person administring the Government of this State for the Time being, by and with the Advice and Consent of the Council of

Governor and Council of Appointment to appoint a Commissioner of Excise for the City and County of *New-York*.

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of Appointment, from Time to Time, to conſtitute and appoint ſuch Perſon in the City of *New-York*, as they ſhall think proper, to be the Commiſſioner for collecting the Duty of Exciſe of and from the ſeveral Retailers of ſtrong or ſpirituous Liquors in the City and County of *New-York*.

Commiſſioners of Exciſe in the ſeveral other Cities and Counties in this State.

II. *And be it further Enacted by the Authority aforeſaid*, That the following Perſons ſhall be the Commiſſioners for collecting the Duty of Exciſe, of and from the ſeveral Retailers of ſtrong and ſpirituous Liquors within the ſeveral other Cities and Counties in this State; *That is to ſay*, In and for the City of *Albany*, the Mayor of the ſaid City for the Time being; and in and for the City of *Hudſon*, the Mayor, Recorder, Aldermen and Commonalty of the ſaid City; and in and for the ſeveral Towns and Places in the reſpective Counties in this State, the Superviſor of, and any two Juſtices of the Peace reſident within, the ſame reſpective Towns or Places; or in Caſe there ſhall not be two Juſtices, or in Caſe of the Abſence of the Juſtices reſiding in any ſuch Town or Place, then ſuch neighbouring Juſtice or Juſtices, as the Superviſor of ſuch Town or Place ſhall notify, and aſſociate with him for that Purpoſe. *Provided*, That no Permit ſhall be granted, except in either of the ſaid Cities of *Albany* or *Hudſon*, unleſs *three* Commiſſioners ſhall be preſent at the granting thereof.

Commiſſioners of Exciſe annually to grant Licences for retailing ſtrong Liquors, to Perſons applying for the ſame.

III. *And be it further Enacted by the Authority aforeſaid*, That it ſhall and may be lawful for the Commiſſioners of Exciſe, appointed or to be appointed by Virtue of this Act, annually, by Writing under their reſpective Hands and Seals, to grant to the ſeveral Perſons who ſhall reſide in the reſpective Cities, Towns or Places for which they are or ſhall be appointed a Commiſſioner or Commiſſioners as aforeſaid, who ſhall apply for the ſame, Permits to retail ſtrong or ſpirituous Liquors under *five* Gallons; which ſaid reſpective Permits ſhall continue in Force from the Time of granting the ſame, until the *firſt* Day of *March* next enſuing the Date of ſuch Permit, and no longer.

Commiſſioner of Exciſe for the City and County of *New-York*, to determine what each Perſon ſhall pay for ſuch Licence, as a Duty of Exciſe.

IV. *And be it further Enacted by the Authority aforeſaid*, That it ſhall and may be lawful for the Commiſſioner of Exciſe to be appointed in the City and County of *New-York*, by Virtue of this Act, to determine and aſcertain the Sum which each reſpective Perſon applying for a Permit as aforeſaid, ſhall pay for the ſame, not being leſs than *Forty Shillings*, nor more than *Twenty Pounds*, as a Duty of Exciſe, which Sum ſhall be paid to him by the Perſon applying, before the Permit ſhall be iſſued as aforeſaid.

Commiſſioners of Exciſe in the other Counties to determine what each Perſon ſhall pay for ſuch Licence, which with a Fee for ſuch Licence, ſhall be paid before the ſame iſſues.

V. *And be it further Enacted by the Authority aforeſaid*, That it ſhall and may be lawful for the Commiſſioners of Exciſe appointed in the ſeveral other Cities, Towns and Places in this State, by Virtue of this Act, to determine and aſcertain the Sum which each reſpective Perſon, in their reſpective Cities, Towns and Places, applying for a Permit as aforeſaid, ſhall pay for the ſame, not being leſs than *Forty Shillings*, nor more than *Twelve Pounds*, as a Duty of Exciſe; which, together with the Sum of *Six Shillings*, as a Fee to the reſpective Commiſſioners for granting ſuch Permit, ſhall be paid to him or them by the Perſon applying for a Permit as aforeſaid, before the Permit ſhall be iſſued as aforeſaid. *And further*, The ſaid Commiſſioners are hereby reſpectively required to keep an Account of the Perſons to whom Permits ſhall be granted, and of the Sums by each of the ſaid Perſons paid for a Permit, and to file the ſame with the Clerk of ſuch City, Town or Place, on or before the *firſt* Day of *March*, in every Year; and ſhall, from Time to Time, without Delay, pay the Monies ſo to be by them received for the Duty of Exciſe, to the Overſeers of the Poor of the reſpective Cities, Towns and Places, for which they are Commiſſioners as aforeſaid, to be applied to the Relief of the Poor thereof.

Commiſſioners to keep Accounts of the Permits granted and the Sums paid for each, and to file the ſame with the Town Clerks, and pay the Monies they receive to the Overſeers of the Poor.

VI. *And*

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VI. *And be it further Enacted by the Authority aforeſaid*, That inſtead of the Fees herein before allowed, the Commiſſioner of Exciſe for the City and County of *New-York*, for the Time being, ſhall be entitled, for his Service, to a Salary at and after the Rate of *Sixty Pounds* per Annum; which it ſhall be lawful for him to retain out of the Monies which ſhall come into his Hands from the Duty of Exciſe aforeſaid; and the Reſidue thereof, he ſhall from Time to Time, and without Delay, pay to the Treaſurer or Chamberlain of the ſaid City, for the Time being, to be applied and diſpoſed of (except as to *Eight Hundred Pounds*, for the Time herein after mentioned) for and towards the Payment of the contingent Charges of the ſaid City, in ſuch Manner as the Mayor, Aldermen and Commonalty of the ſaid City in Common Council convened, by Warrant under the Hand of the Mayor or Recorder of the ſaid City, preſiding in ſuch Common Council, ſhall from Time to Time direct and appoint. *And further*, That the ſaid Commiſſioner ſhall keep an Account of the Perſons to whom Permits ſhall be granted in the ſaid City and County, and of the Sums by each of the ſaid Perſons paid for a Permit, and file the ſame with the Treaſurer or Chamberlain of the ſaid City for the Time being, on or before the *laſt* Day of *February* in every Year.

Commiſſioner of Exciſe for *New-York* to retain in his Hands 60l. as a Salary, inſtead of taking Fees for Permits;

And pay the Reſidue to the Chamberlain of the City, to be applied by the Common Council.

And ſhall keep an Account of the Permits, and of the Sums paid for each, and file the ſame with the Chamberlain.

VII. *And be it further Enacted by the Authority aforeſaid*, That the Treaſurer or Chamberlain of the ſaid City of *New-York*, ſhall, out of the Monies to ariſe from the Exciſe to be raiſed in the ſaid City and County of *New-York*, on or before the firſt Tueſday in *February* in every Year, for and during the Term of *four* Years, from and after the *firſt* Day of *February*, in the Year One Thouſand Seven Hundred and Eighty-eight, pay to the Treaſurer for the Time being, of the Society of the Hoſpital in the City of *New-York*, in *America*, at and after the Rate of *Eight Hundred Pounds*, and no more, for the better Support of the Hoſpital erected in the ſaid City, for poor and indigent Perſons.

Chamberlain of *New-York* to pay 800l. yearly for four Years, out of the Exciſe, for the Uſe of the Hoſpital.

VIII. *And be it further Enacted by the Authority aforeſaid*, That the Commiſſioners appointed or to be appointed by Virtue of this Act, to grant Permits to retail ſtrong or ſpirituous Liquors, ſhall not grant Permits to any Perſon or Perſons to retail ſtrong or ſpirituous Liquors for the Purpoſe of keeping an Inn or Tavern, unleſs it ſhall appear to the ſaid Commiſſioners that an Inn or Tavern, at the Place at which ſuch Permit is applied for, is neceſſary for the Accommodation of Travellers, and that the Perſon applying for ſuch Permit is of good Character. And that in every ſuch Permit to be granted for the Purpoſe of keeping an Inn or Tavern, ſhall be expreſſed, that it appears neceſſary to the Commiſſioners, that a public Inn or Tavern be kept at ſuch Place, and that the Perſon to whom ſuch Permit is granted, is of good moral Character as aforeſaid.

Commiſſioners not to grant Permits to retail ſtrong Liquors, unleſs it appears neceſſary for the Accommodation of Travellers.

IX. *And be it further Enacted by the Authority aforeſaid*, That no Perſon ſhall ſell by retail any ſtrong or ſpirituous Liquors, to be drank in his or her Houſe, Out-Houſe, Yard or Garden, unleſs ſuch Perſon ſhall appear before a Juſtice of the Peace of the County in which he or ſhe ſhall reſide, and enter into Recognizance to the People of the State of *New-York*, in the Sum of *Fifty Pounds*; *Conditioned*, That he or ſhe will not, during the Time that he or ſhe ſhall keep an Inn or Tavern, keep a diſorderly Inn or Tavern, or ſuffer or permit any Cock-Fighting, gaming or playing with Cards or Dice, or keep any Billiard-Table, or other Gaming-Table, or Shuffle-Board, within the Inn or Tavern by him or her to be kept, or within any Out-Houſe, Yard or Garden belonging thereunto; which Recognizances ſo to be taken, ſhall be lodged by the Perſon or Perſons before whom the ſame ſhall be taken, with the Clerks of the reſpective Cities or Counties where the ſame ſhall be taken; and if any Perſon ſhall be convicted of an Offence againſt this Act,

All Perſons retailing ſtrong Liquors to enter into Recognizance in the Sum of 50l. not to keep a diſorderly Houſe.

Which Recognizance is to be lodged with the Clerks of the Cities or Counties.

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it ſhall be lawful for the Courts of General Seſſions of the Peace in the reſpective Cities and Counties in this State, to ſuppreſs the Permit and Licence of ſuch reſpective Offenders. But that no Perſon who ſhall be permitted or licenced to retail ſtrong Liquors, not to be drank in his or her Houſe, but carried elſewhere, ſhall be obliged to enter into Recognizance as aforeſaid; any Thing in this Act to the Contrary notwithſtanding.

Every Perſon ſelling ſtrong Liquor without a Permit, or without entering into ſuch Recognizance, to forfeit 10l. for each Offence.

X. *And be it further Enacted by the Authority aforeſaid*, That if any Perſon ſhall ſell by retail, any ſtrong or ſpirituous Liquors, without having ſuch Permit as aforeſaid, or if any Perſon ſhall ſell any ſtrong or ſpirituous Liquors, to be drank in his or her Houſe, Out-Houſe, Yard or Garden, without having entered into ſuch Recognizance as aforeſaid, every Perſon who ſhall be guilty of either of the Offences aforeſaid, ſhall, for each Offence, forfeit the Sum of *Ten Pounds*. *Provided always*, That no Perſon or Perſons ſhall be ſubject to be ſued or proſecuted by Virtue of this Act, for ſelling Metheglin, Currant Wine, Cherry Wine, or Cyder, to be by him, her or them made, and which ſhall not be drank in his, her or their Houſe, Out-Houſe, Yard or Garden.

No Perſon to be proſecuted for ſelling Metheglin, &c. which is not drank in his Houſe.

Licences in *New-York*, *Albany* and *Hudſon*, to be granted agreeable to Charter.

XI. *Provided alſo, and be it further Enacted by the Authority aforeſaid*, That all Licences to retail ſtrong or ſpirituous Liquors within the Cities of *New-York*, *Albany* or *Hudſon*, ſhall be granted in the Manner directed and preſcribed in and by the Charters granted to the ſaid Cities reſpectively; and the Recognizances to be entered into by Retailers, ſhall be taken before the Mayor for the Time being, of each reſpective City, or, in Caſe of his Sickneſs or Abſence, before the Recorder thereof.

No Kind of Gaming to be permitted in any Inn or Tavern, and the Courts to take Cognizance of Offences againſt this Act.

XII. And the more effectually to prevent every Species of Gaming, or Incitement thereunto, in public Inns or Taverns; *Be it further Enacted by the Authority aforeſaid*, That it ſhall be deemed an Offence againſt the People of this State, for any Perſon who ſhall keep a public Inn or Tavern, to permit or ſuffer any Cock-fighting, playing with Cards or Dice, or to keep any Billiard-Table or other Gaming-Table, or Shuffle-Board, within his or her Houſe, or within any Out-Houſe, Yard or Garden belonging thereto, or therein to permit any Kind of Gaming, by Lot or Chance. And that as well the Courts of Oyer and Terminer and Gaol Delivery, as the Courts of General Seſſions of the Peace in the ſeveral Counties within this State, ſhall have Cognizance of Offences againſt this Act, and ſhall and may puniſh Offenders convicted thereof, by Fine and Impriſonment, or either, at the Diſcretion of the Court in which any ſuch Conviction ſhall be had.

What Kind of Accommodations Innkeepers ſhall be obliged to have.

XIII. *And be it further Enacted by the Authority aforeſaid*, That every Keeper of any public Inn or Tavern in this State, except in the City of *New-York*, ſhall keep in his Houſe, at leaſt two ſpare Beds for Gueſts, with good and ſufficient Sheeting and Covering for ſuch Beds reſpectively, and provide and keep good and ſufficient Stabling and Provender, of Hay in the Winter, and Hay or Paſturage in the Summer, and Grain, for *four* Horſes or other Cattle, more than his or her own Stock, for the Accommodation of Travellers, upon Pain of forfeiting, for every Neglect or Default of having either of the Articles in this Clauſe before mentioned, the Sum of *Forty Shillings*.

Certain Innholders may be exempted from having ſuch Accommodations.

XIV. And *whereas* in ſome Parts of this State, ſo little Reſort is had to ſome Inns or Taverns, as would make the laſt mentioned Regulations burthenſome, and which Inns or Taverns are nevertheleſs of public Utility; Therefore, *Be it further Enacted by the Authority aforeſaid*, That it ſhall be in the Diſcretion of the Commiſſioners, or the major Part of them, in any of the Towns of this State, by Writing for that Purpoſe, under their Hands and Seals,

Seals, to exempt one or more Innholder or Tavern-Keeper in the ſaid Towns reſpectively, from keeping ſuch ſpare Beds and Stabling, Provender and Forage, as is herein before directed.

Innholder ſelling Liquors to Servants to loſe their Debt, and forfeit *Forty Shillings*,

XV. *And be it further Enacted by the Authority aforeſaid*, That if any Innholder or Tavern-Keeper, ſhall ſell any ſtrong or ſpirituous Liquors to any Apprentice, Servant or Slave, knowing or having Reaſon to ſuſpect or believe him or her to be ſuch, without the Conſent of his or her Maſter or Miſtreſs, ſuch Innholder or Tavern-Keeper, ſhall forfeit and loſe every Debt which ſuch Apprentice, Servant or Slave ſhall or may contract for any ſuch Liquor; and alſo for every Offence, forfeit the Sum of *Forty Shillings*, to be recovered with Coſts of Suit, by the Maſter or Miſtreſs of ſuch Apprentice, Servant or Slave. *And further*, That the Permit and Licence of every ſuch Innholder or Tavern-Keeper, ſhall be, and hereby is declared void from the Time of ſuch Conviction; and ſuch Innholder or Tavern-Keeper ſhall be and is hereby declared to be incapable of receiving any further or other Permit or Licence for holding any public Inn or Tavern, for the Space of *three* Years from the Time of ſuch Conviction.

And his Permit to be void.

Innholders receiving any Kind of Goods from Servants for Liquors, beſides the Penalties aforeſaid, to reſtore the Goods or forfeit double their Value to the Maſter or Miſtreſs, to be recovered with Coſts of Suit.

XVI. *And be it further Enacted by the Authority aforeſaid*, That if any Innholder or Tavern-Keeper, or any other Perſon or Perſons, ſhall take or receive, directly or indirectly, from any ſuch Apprentice, Servant or Slave, any Clothing, or any other Goods, Chattels, Wares or Merchandize, in Payment for any ſuch ſtrong or ſpirituous Liquors, or in Pawn or Pledge, to ſecure any ſuch Payment, and thereof be convicted, by the Oath of any one credible Witneſs, he, ſhe or they ſo offending, beſides the Payment of the Penalty and Forfeiture of the Debt as aforeſaid, ſhall, within *three* Days after ſuch Conviction, reſtore to the Maſter or Miſtreſs of ſuch Apprentice, Servant or Slave, all ſuch Clothing or other Goods, Chattels, Wares or Merchandize, which he, ſhe or they ſhall have ſo taken or received, from any ſuch Apprentice, Servant or Slave; or ſhall forfeit and pay unto the Maſter or Miſtreſs of ſuch Apprentice, Servant or Slave, double the Value of all ſuch Clothing, or other Goods, Chattels, Wares or Merchandize, which he, ſhe or they ſhall have ſo taken or received as aforeſaid; to be recovered by ſuch Maſter or Miſtreſs, his or her Executors or Adminiſtrators, with Coſts of Suit, in any Court having Cognizance thereof.

Innholders truſting any Perſon, except Travellers, more than *Ten Shillings*, for Liquors, or Tavern Expences, to loſe the Debt.

XVII. *And be it further Enacted by the Authority aforeſaid*, That if any Innholder or Tavern-Keeper within this State, ſhall truſt or credit any Perſon or Perſons, other than Travellers, more than, or above the Sum of *Ten Shillings*, lawful Money of this State, for any Sort of ſtrong or ſpirituous Liquors, or other Tavern Expences, he, ſhe or they ſo truſting or crediting any Perſon or Perſons as aforeſaid, ſhall loſe the Debt, and be forever diſabled from ſuing for, or recovering the ſame, or any Part thereof. And if any Innholder or Tavern-Keeper, ſhall ſue for any ſuch Debt above the Sum of *Ten Shillings*, contrary to the true Intent and Meaning of this Act, the Perſon or Perſons ſued, ſhall and may plead this Act in Bar; and if the Plaintiff in ſuch Suit ſhall become nonſuit, or a Verdict or Judgment ſhall be given for the Defendant, every ſuch Plaintiff ſhall pay double Coſts.

This Act may be pleaded in Bar by any Perſon ſued for ſuch Debt,

And the Plaintiff liable to double Coſts.

Securities taken, ſuch Debt as aforeſaid, to be void;

XVIII. *And be it further Enacted by the Authority aforeſaid*, That if any Innholder or Tavern-Keeper ſhall take or get, from any Perſon or Perſons, truſted as aforeſaid, any Note, Bill, Bond or other Security, for any Sum above *Ten Shillings*, for any ſtrong or ſpirituous Liquors, by him or her ſold or drank, in, or at his or her Houſe, under Pretence that it is for Victuals, Pipes, Tobacco or any other Thing, whereby to evade this Act; every ſuch Note, Bill, Bond or other Security, ſhall be void, and the Defendant or Defendants

Defendants may plead this Act in Bar, to any Action or Suit to be brought thereon. *And further*, That every Perſon who ſhall be convicted of an Offence againſt this Clauſe of this Act, ſhall forfeit double the Sum mentioned in and intended to be ſecured by ſuch Note, Bill, Bond or other Security; to be recovered by Action of Debt, Bill, Plaint or Information, with Coſts of Suit, in any Court in this State, having Cognizance thereof.

And Perſons taking ſuch Securities, to forfeit double the Sum intended to be ſecured.

XIX. *Provided always, and be it further Enacted by the Authority aforeſaid*, That nothing in this Act contained, ſhall be conſtrued or taken to debar any Innholder or Tavern-Keeper from taking, receiving or recovering any Sum or Sums of Money which ſhall or may become due, and owing to him or her, from any Perſon or Perſons who ſhall or may be Lodgers in his or her Houſe, or from Travellers not reſiding in ſuch City or Town; any Thing in this Act contained to the Contrary notwithſtanding.

This Act not to prevent Innholders from recovering any Debt due to them from Travellers, or Perſons who may be Lodgers in their Houſes.

XX. *And be it further Enacted by the Authority aforeſaid*, That every Innholder or Tavern-Keeper, ſhall, within *thirty* Days after obtaining his or her Permit, put up and fix a proper Sign on or adjacent to the Front of his or her Houſe, with his or her Name thereon, and keep ſuch Sign up during the Time he or ſhe ſhall keep an Inn or Tavern, under the Penalty of *Ten Shillings* for every Month's Neglect thereof.

Innholders to put up a Sign before their Houſes.

XXI. *And be it further Enacted by the Authority aforeſaid*, That all and every the Penalties and Forfeitures, impoſed in and by this Act, ſhall and may be recovered, with Coſts of Suit, in any Court within this State, having Cognizance thereof, by any Perſon or Perſons who will ſue and proſecute for the ſame to Effect, unleſs in this Act otherwiſe provided; and the one Moiety of the ſaid Penalties and Forfeitures, not in and by this Act otherwiſe appropriated, ſhall, when recovered, be paid to the Overſeers of the Poor of the City or Town in which each reſpective Offence ſhall happen, for the Uſe of the Poor thereof; and the other Moiety to the Perſon or Perſons who ſhall ſue for the ſame as aforeſaid.

Penalties and Forfeitures impoſed by this Act, how to be ſued for, recovered and applied.

XXII. *And be it further Enacted by the Authority aforeſaid*, That all Laws of the late Colony of *New-York*, and of this State, heretofore paſſed for the regulating of Inns and Taverns, and for retailing of ſpirituous Liquors within this State, be, and the ſame are hereby ſeverally repealed.

All Laws heretofore paſſed for regulating Inns and Taverns repealed.

CHAP. XLIX.

An ACT *to impower the Juſtices of the Peace reſiding in that Part of the Townſhip of* Schenectady *therein mentioned, to eſtabliſh and regulate a Night-Watch, and for other Purpoſes therein mentioned.*

Paſſed 1ſt March, 1788.

Preamble.

WHEREAS the eſtabliſhing a Night-Watch, and appointing Firemen to manage the Fire-Engine in that Part of the Townſhip of *Shenectady* which lays to the Southward of the *Mohawk-River*, and not more than three Quarters of a Mile from the *Dutch Church*, will tend to the Safety and Preſervation of the Inhabitants thereof; Therefore,

Juſtices of the Peace in the Town of *Schenectady*, to eſtabliſh and regulate a night Watch.

I. *Be it Enacted by the People of the State of* New-York, *repreſented in Senate and Aſſembly, and it is hereby Enacted by the Authority of the ſame*, That it ſhall and may be lawful to and for the Juſtices of the Peace, or the major Part of them for the Time being, living or dwelling in that Part of the Townſhip of *Shenectady*, which lays to the Southward of the *Mohawk-River*, and not more than three Quarters of a Mile diſtant from the *Dutch Church*, to meet together with all convenient Speed after the Publication of this Act, and being ſo

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met, they are hereby required and directed, to order, eſtabliſh and regulate a Night-Watch, which Watch ſhall conſiſt of *ſix* Men and an Officer, for each Night, out of the Inhabitants of that Part of the ſaid Townſhip herein before deſcribed, who ſhall, and hereby are required and directed, in their Turns, to keep Watch, and guard in ſuch Manner and at ſuch Times and Places as the ſaid Juſtices ſhall order and direct.

And to eſtabliſh ſuch Rules for the Government of the Watch and Watchmen, and impoſe ſuch Fines for Neglect as they may think proper.

II. *And be it further Enacted by the Authority aforeſaid*, That it ſhall and may be lawful to and for the ſaid Juſtices, or the major Part of them, to make, eſtabliſh and ordain, ſuch Rules, Orders, Ordinances and Regulations, for the Government, Conduct, Duty and Behaviour of the ſaid Watch and Watchmen, and to impoſe and eſtabliſh ſuch reaſonable Fines, Penalties and Forfeitures upon them, or any of them, for Default or Neglect of the Duties and Services enjoined or required by ſuch Orders or Ordinances as to the ſaid Juſtices ſhall, from Time to Time, ſeem meet and convenient. *Provided always*, That no greater Fine, Penalty or Forfeiture, ſhall be levied for any one Offence, than *Six Shillings* on an Officer, and *Four Shillings* on every Perſon or Watchman.

Fines not to exceed *Six Shillings* on an Officer, or *Four Shillings* on other Perſons.

And to elect and appoint ſuch Number of Perſons as they may think proper, to have the Care and Management of the Fire-Engine in ſaid Town.

III. *And be it further Enacted by the Authority aforeſaid*, That it ſhall and may be lawful to and for the ſaid Juſtices of the Peace, or the major Part of them, and they are hereby required, with all convenient Speed, to elect, nominate and appoint a ſufficient Number of Men, willing to accept, not exceeding Twenty in Number, out of the Inhabitants reſiding in that Part of the ſaid Townſhip above mentioned, to have the Care, Management, Working and Uſe, of the Fire-Engine or Engines belonging to the ſaid Townſhip, and the other Tools and Inſtruments for extinguiſhing of Fires that may happen therein; who are hereby required and enjoined, in Caſe of Fires happening, to manage, work and uſe the ſaid Engine or Engines, and the other Tools and Inſtruments for the extinguiſhing of Fires.

Juſtices empowered to diſplace ſuch Fire-Men, and to appoint others in their ſtead.

IV. *And be it further Enacted by the Authority aforeſaid*, That the ſaid Juſtices of the Peace, or the major Part of them, are hereby authoriſed and empowered to remove and diſplace all or any of the Firemen ſo as aforeſaid, to be elected, nominated and appointed, when, and as often as they ſhall think fit, and others, inſtead of ſuch as ſhall be removed, to elect, nominate and appoint, from Time to Time, as they the ſaid Juſtices ſhall ſee convenient.

Such Firemen exempted from ſerving as Conſtables or Overſeers of Highways, or Jurors, and in the Militia.

V. *And be it further Enacted by the Authority aforeſaid*, That ſuch Perſons as ſhall be elected and appointed Firemen, and each and every of them, during the Time ſuch Perſon or Perſons ſhall remain Firemen, and no longer, ſhall, and hereby are declared to be freed and exempted from ſerving in the Office of Conſtable and Overſeer of the Highways, and of and from ſerving as Jurors, and of and from ſerving in the Militia, except in Caſes of Invaſion or other imminent Danger.

Juſtices to eſtabliſh Rules for the Government of ſuch Firemen.

VI. *And be it further Enacted by the Authority aforeſaid*, That it ſhall and may be lawful to and for the ſaid Juſtices or the major Part of them, to make, eſtabliſh and ordain ſuch Rules, Orders, Ordinances and Regulations for the Government, Conduct, Duty and Behaviour of the Perſons from Time to Time, to be by them elected, nominated and appointed Firemen, by Virtue of this Act, as to them ſhall appear neceſſary and proper.

Aſſeſſors to aſſeſs annually on the Inhabitants of ſaid Town, a Sum not exceeding *Twenty Pounds*, for the Uſe of the Watch-Houſe.

VII. *And be it further Enacted by the Authority aforeſaid*, That the Aſſeſſors for the Diſtrict of *Schenectady*, ſhall annually, during the Continuance of this Act, when they meet to aſſeſs the Proportion of the ſaid Diſtrict of the contingent Charges of the City and County of *Albany*, alſo aſſeſs a further

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Sum not exceeding *Twenty Pounds*, to be raiſed, levied and collected of and from the Inhabitants reſiding in that Part of the Townſhip herein before deſcribed: And the Collector of the ſaid Townſhip is hereby required, as ſoon as he ſhall have collected the ſame, to pay the ſame (after deducting therefrom *Nine-pence* in the Pound, for his Trouble) unto the ſaid Juſtices, or ſuch other Perſon as they ſhall appoint to receive the ſame; to be by the ſaid Juſtices applied in paying a Perſon, by them to be appointed, to take care of the Watch-Houſe, and ſupplying the ſame with Fire Wood and Candles.

This Act, how long to continue in Force.

VIII. *And be it further Enacted by the Authority aforeſaid*, That this Act ſhall be in Force from the Publication thereof, until the *firſt* Day of *May* which will be in the Year of our Lord One Thouſand Eight Hundred.

CHAP. L.

An ACT *to regulate the Exportation of Flax-ſeed and Lumber.*

Paſſed 1ſt March, 1788.

Preamble.

WHEREAS Flax-ſeed and Lumber have become Articles of great Exportation from this State; and it is neceſſary that their Credit at foreign Markets be eſtabliſhed; Therefore,

No Flax-Seed to be exported but in Caſks of certain Dimenſions and Deſcriptions, and certain Marks to be branded thereon.

I. *Be it Enacted by the People of the State of* New-York, *repreſented in Senate and Aſſembly, and it is hereby Enacted by the Authority of the ſame*, That no Flax-ſeed ſhall be exported from this State to *Ireland* or *Scotland*, but what ſhall be well cleaned, and put in Caſks of two Sizes only; one of which ſhall be of the following Dimenſions: viz. Two Feet nine Inches long, and Twenty-four Inches Diameter in each Head, and made as nearly ſtraight as poſſible; which ſhall contain ſeven Buſhels, and ſhall be made of Oak, and the Heads of Pine or Oak, with three Hoops on each Head, and three Hoops on each Bilge, and nailed with at leaſt three Nails in each Head Hoop, and three Nails in each Quarter Hoop, with a good Lining Hoop on each Head: The other Size ſhall be made of the like Materials, and ſhall contain three and an half Buſhels, with the ſame Number of Hoops, and ſhall be nailed in the ſame Manner; and on each Caſk ſhall be branded the Name of the City or County where cleaned, with the initial Letter of the Chriſtian and the Sirname at full Length, of the Owner or Perſon who cleaned the ſame.

Any Perſon ſhipping Flax-ſeed for exportation, not cleaned and branded as aforeſaid, as well as the Maſter of the Ship, ſubject to a Penalty.

II. *And be it further Enacted by the Authority aforeſaid*, That if any Perſon or Perſons ſhall ſhip on board any Ship or Veſſel, for Exportation to *Ireland* or *Scotland*, any Flax-ſeed which hath not been cleaned, marked and branded, as herein before directed, or in any other Caſks than ſuch as are before mentioned, ſuch Perſon ſo offending ſhall forfeit and pay for every Caſk ſo ſhipped on board, the Sum of *Ten Shillings*; and the Maſter or Commander of every Ship or Veſſel, who ſhall receive on board any Ship or Veſſel, for Exportation as aforeſaid, any Flax-ſeed not cleaned, marked and branded as aforeſaid, or in any other Caſk than ſuch as are before mentioned, ſhall forfeit and pay the Sum of *Five Shillings*, for each and every Caſk ſo taken on board.

Timber, Boards, &c. to be inſpected and marked before they are exported.

None to be ſo marked but ſuch as are merchantable.

III. *And be it further Enacted by the Authority aforeſaid*, That all Timber, Boards, Plank of every Kind, Scantling or Shingles, before they are exported out of this State, ſhall be viewed and examined by ſome one of the Inſpectors to be appointed by Virtue of this Act; and the ſaid Inſpectors ſhall, on each Board, Plank or Piece of Timber, mark, with a Marking-Iron, the initial Letters of his Chriſtian and Sirname, with the Number of Feet in each Board, Plank or Piece of Timber; and the ſaid Inſpectors ſhall not mark any but what

what they ſhall deem merchantable and good: And no Board ſhall be deemed merchantable but what is at leaſt ſix Inches wide, clear of Sap, and ſhall be of the actual Thickneſs ſold for. That all Shingles, commonly called ſhort Shingles, packed in Bundles, ſhall be of only three Sizes; the Length of one Size ſhall be eighteen Inches long, and at leaſt four Inches broad; another Size ſhall be Twenty-four Inches long, and at leaſt five Inches broad; the other Size Twenty-ſeven Inches long, and at leaſt five and an half Inches broad, and ſhall be of a proper Thickneſs, packed up in Bundles, containing each Two Hundred and Fifty; and the ſaid Inſpector ſhall examine all ſuch Shingles in Bundles, and none ſhall be deemed merchantable other than ſuch as ſhall be of the beforementioned Dimenſions; and the ſaid Inſpector ſhall take out of every Bundle all unmerchantable Shingles, and replace the ſame with merchantable ones; and ſhall brand on each Bundle, the initial Letter of his Chriſtian Name, and his Sirname at full length, with the Figures 250.

Of what Sizes ſhort Shingles may be, and what Number ſhall be packed up in a Bundle.

How Bundles ſhall be marked.

IV. *And be it further Enacted by the Authority aforeſaid*, That the Perſon adminiſtring the Government of this State for the Time being, by and with the Advice and Conſent of the Council of Appointment, ſhall appoint one Inſpector of Lumber for the City and County of *New-York*, (which ſaid Inſpector is hereby authorized and required to appoint ſuch Number of Deputies under him as ſhall be neceſſary, for whom he ſhall be accountable; which Deputies are hereby fully empowered to act as deputy Officers for carrying this Act into Execution) one Inſpector for the City of *Albany*; one Inſpector for the City of *Hudſon*; one Inſpector for the Landing at *Kinderhook*; and as many more in other Parts of the State as may from Time to Time be neceſſary.

Governor and Council of Appointment to appoint Inſpectors of Lumber.

V. *And be it further Enacted by the Authority aforeſaid*, That the ſaid Inſpectors and their Deputies, before they enter upon the Execution of their Offices, ſhall take the following Oath before ſome Perſon authorized to adminiſter the ſame, *viz.*

Inſpectors to take an Oath.

I ——— ———, *do ſolemnly ſwear, That I will faithfully, truly and impartially, according to the beſt of my Judgment, Skill and Underſtanding, execute, do and perform the Office and Duty of an Inſpector of Lumber, according to the true Intent and Meaning of the Laws of this State relative to the ſame.*

Form of the Oath.

VI. *And be it further Enacted by the Authority aforeſaid*, That the ſaid Inſpectors ſhall be entitled to receive for inſpecting all Boards, Plank and Scantling, at the Rate of *Three Shillings* per Thouſand Feet, ſuperficial Meaſure; and for ſquare Timber at the Rate of *Fourteen-pence* per Ton, conſiſting of forty Cubical Feet; and for Shingles in Bundles, at the Rate of *Eighteen-pence* per Thouſand; the one Half to be paid by the Buyer, and the other Half by the Seller.

Inſpectors Allowance for Inſpection.

VII. *And be it further Enacted by the Authority aforeſaid*, That if any Perſon ſhall ſhip on board any Ship or Veſſel for Exportation out of this State, any Boards, Plank, Scantling, Timber or Shingles, but what has been inſpected by one of the Inſpectors appointed by Virtue of this Act, he ſhall forfeit and pay, for every Thouſand Feet ſo ſhipped without Inſpection, the Sum of *Twenty Shillings;* and for every Thouſand Shingles, the Sum of *Ten Shillings;* and the Maſter of any Ship or Veſſel who ſhall receive on board his Veſſel any Boards, Plank, Timber or Shingles but what has been inſpected by one of the Inſpectors, ſhall forfeit and pay for every Thouſand Feet ſo taken on board, the Sum of *Ten Shillings;* and for every Thouſand Shingles, the Sum of *Five Shillings;* all which Forfeitures mentioned in this Act, may be recovered with Coſts, in any Court having Cognizance thereof, by any Perſon who will ſue for the ſame, by Action of Debt, Bill, Plaint or Information; the

Penalty for exporting Lumber without Inſpection.

Penalties how to be ſued for, recovered and applied.

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the one Half thereof to be for the Uſe of the Perſon ſo ſuing, and the other Half for the Uſe of the People of this State.

VIII. *And be it further Enacted by the Authority aforeſaid,* That this Act ſhall be in Force from and after the *firſt* Day of *October* next.

CHAP. LI.

Private.
‡ 10*th Seſſ. Ch.* 85.

An ACT *ſupplementary to, and to amend the Act, entitled,* ‡ *An* Act *to veſt the Eſtate of* Richard Maitland, *deceaſed, in Truſtees, for the Payment of his Debts.*

Paſſed 1ſt March, 1788.

CHAP. LII.

Private.

An ACT *for the Relief of* Benjamin Micheau, *late Treaſurer of the County of* Richmond.

Paſſed 1ſt March, 1788.

CHAP. LIII.

Repealed 12*th Seſſ. Ch.* 45. *Sec.* 2.

An ACT *to Regulate the Exportation of Butter and Hogs-Lard.*

Paſſed 1ſt March, 1788.

CHAP. LIV.

An ACT *granting a Bounty on Hemp, to be raiſed within this State.*

Paſſed 3d March, 1788.

A Bounty of 8*ſ.* to be paid by the Treaſurer for every Hundred of Hemp brought to the City of *New-York*, on the Production of a Certificate from the Inſpector.

I. BE *it Enacted by the People of the State of* New-York, *repreſented in Senate and Aſſembly, and it is hereby Enacted by the Authority of the ſame,* That for every Hundred Weight of good merchantable Hemp, which ſhall be raiſed within this State, and brought to the City of *New-York*, on or before the *firſt* Day of *June*, One Thouſand Seven Hundred and Ninety-two, ſhall be allowed and paid by the Treaſurer of this State, out of any Monies which may be in the Treaſury unappropriated, a Bounty of *Eight Shillings* per Hundred, to any Perſon or Perſons who ſhall bring ſuch Hemp to the City of *New-York*, and produce a Certificate of the Weight thereof, and that it is good and merchantable, from one of the Inſpectors to be appointed by Virtue of this Act, to inſpect all Hemp on which a Bounty is to be allowed; which ſaid Inſpectors ſhall receive for their Trouble, from the Perſon who ſhall employ them, at the Rate of *Six-pence* per Hundred Weight, and no more.

Inſpector's Allowance.

Governor and Council of Appointment to appoint two Inſpectors of Hemp in the City of *New-York*, who ſhall take an Oath.

II. *And be it further Enacted by the Authority aforeſaid,* That it ſhall and may be lawful for the Perſon adminiſtring the Government of this State for the Time being, by and with the Advice and Conſent of the Council of Appointment, from Time to Time, to nominate and appoint two or more Inſpectors of Hemp in the City of *New-York;* and that each of the Inſpectors ſo appointed, before he enters upon the Execution of his Office, ſhall, before the Mayor, Recorder or one of the Aldermen of the ſaid City, take and ſubſcribe an Oath in the Words following, *viz.*

Form of the Oath.

I ——— ———, *do ſolemnly ſwear, That I will faithfully diſcharge the Duty of an Inſpector of Hemp, for the State of* New-York, *and that I will not give a Certificate to any Perſon or Perſons, for a greater Quantity than I actually inſpect, and for none but ſuch as is merchantable.*

A Copy of which Oath, ſworn to and ſubſcribed by the ſaid Inſpectors reſpectively, ſhall be filed with the Treaſurer of this State.

III. *And*

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Before any Perſon ſhall have Hemp inſpected, he ſhall prove to the Inſpector, in what County the Hemp was raiſed, and when.

III. *And be it further Enacted by the Authority aforeſaid*, That the Perſon who ſhall have any Hemp inſpected by Virtue of this Act, ſhall, before he receives ſuch Certificate as aforeſaid, prove to the Satisfaction of the Inſpector, that the Quantity of Hemp on his Account inſpected, was raiſed in the County of ——, or Counties of ——, in the State of *New-York*, in the Year ——; and alſo, that no Bounty has yet been paid for the ſame, or any Part thereof, to the Beſt of his Knowledge or Belief; and that he will not receive, or Cauſe to be received, or attempt to receive any greater or other Bounty for the ſame, than is allowed by this Act; and ſhall alſo produce to the ſaid Inſpector, an Affidavit or Affidavits, made before any Juſtice of the Peace in this State, from the Perſon or Perſons who raiſed the ſaid Hemp, that the ſame was raiſed in the County of ——, or Counties of ——, in the State of *New-York*, in the Year ——, and that no Bounty has yet been paid for the ſame, or any Part thereof.

CHAP. LV.

An ACT *to regulate the Repacking of Beef and Pork for Exportation.*

Paſſed 7th March, 1788.

Preamble.

WHEREAS it is neceſſary that great Care be taken in the repacking of Beef and Pork, two of the ſtaple Articles of this State: *And whereas* it is repreſented, that if proper Places were appointed for the Inſpection of the ſame, and the Number of Inſpectors fixed by Law, it would prevent Abuſes: Therefore,

Governor and Council of Appointment to appoint Repackers of Beef and Pork.

I. *Be it Enacted by the People of the State of* New-York, *repreſented in Senate and Aſſembly, and it is hereby Enacted by the Authority of the ſame*, That it ſhall and may be lawful for the Perſon adminiſtring the Government of this State for the Time being, by and with the Advice and Conſent of the Council of Appointment, to appoint two or more Repackers of Beef and Pork, for the City and County of *New-York;* one or more for the City of *Albany;* one or more for the City of *Hudſon;* and as many in any other Part of this State, as ſhall, from Time to Time, be neceſſary.

Inſpectors to provide good and ſufficient Stores.

Where ſuch Stores ſhall be in the City of *New-York*.

No Allowance for Storage.

II. *And be it further Enacted by the Authority aforeſaid*, That the Inſpectors to be appointed by Virtue of this Act, ſhall provide themſelves with good and ſufficient Stores, capable of receiving and ſtoring ſuch Beef and Pork as may be brought to them for Inſpection; and the Inſpectors for the City and County of *New-York*, ſhall provide themſelves with as many Stores as may be neceſſary: *Provided*, Such Stores be on ſome of the Docks or Wharfs of the ſaid City, and that one of ſuch Stores ſhall be at or near the *Albany-Pier*, and another at or near *Burling's-Slip;* and no ſuch Inſpector ſhall be allowed any Thing for Storage of the ſame Beef and Pork, if the Owner ſhall remove the ſame within *three* Days after the ſame ſhall be repacked.

Size and Deſcription of Barrels in which Beef or Pork may be repacked.

III. *And be it further Enacted by the Authority aforeſaid*, That all Barrels in which any Beef or Pork ſhall be repacked, ſhall be made of good White Oak Staves and Heading, with twelve Hoops on each Barrel, and ſhall contain not leſs than Thirty-one Gallons, nor more than Thirty-two Gallons, and be as nearly ſtraight as poſſible, and ſufficient to hold Pickle; and that all half Barrels ſhall be made of the like Materials, and contain one half as many Gallons as the whole Barrels.

Inſpectors to ſort all Beef and Pork by them repacked, into firſt and ſecond Quality.

IV. AND in order to encourage the raiſing of large Hogs, and making of fat Beef, *Be it further Enacted by the Authority aforeſaid*, That from and after the firſt Day of *October* next, the Inſpectors ſo to be appointed, ſhall examine and ſort all Beef and Pork to be by them repacked, and ſuch as

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is well fatted, ſhall be repacked and branded on the Head, *firſt Quality*; and ſuch as is inferior, *ſecond Quality*; and that each Barrel of Beef ſhall contain Two Hundred and Twenty Pounds of Beef; the firſt Quality of which ſhall not have more than two Hocks or Shins, one half of a Neck, and ſhall have at leaſt one Round in each Barrel, and be otherwiſe well fatted. The ſecond Quality ſhall not have more than three Hocks or Shins, and one half Neck in each Barrel; and be otherwiſe merchantable Beef. And that each Barrel of Pork ſhall contain Two Hundred and Ten Pounds of Pork well fatted; the firſt Quality of which ſhall not have in each Barrel more than three Shoulders without the Legs, which ſhall be cut up to the Knees, and not to exceed two Heads; which Heads ſhall have the Ears and Snouts cut off, and ſhall not exceed in Weight thirty Pounds: The ſecond Quality ſhall not have in each Barrel more than five Shoulders without the Legs, and not more than two Heads, which ſhall not exceed thirty Pounds in Weight, and ſhall be otherwiſe merchantable Pork; and that all half Barrels both of Beef and Pork, ſhall contain one half the Quantity of whole Barrels, and be in every Reſpect as to Quality, the ſame as whole Barrels; and in every Barrel of Beef or Pork, there ſhall be at leaſt one half Buſhel of good Liſbon or hard Salt; and in every Half Barrel, one Peck.

Contents of a Barrel of Beef.

Firſt Quality.

Second Quality.

Contents of a Barrel of Pork.

Firſt Quality.

Second Quality.

Half Barrels.

V. *And be it further Enacted by the Authority aforeſaid*, That no Beef or Pork ſhall be repacked, until the ſame has been laid in Salt a ſufficient Time before ſuch repacking; and all Caſks of Beef and Pork ſo repacked, ſhall be branded with the initial Letter of the Packer's Chriſtian Name, with his Sirname at full length, and the Name of the Place where repacked, and with the Word, *Beef* or *Pork*, and the Words, *firſt* or *ſecond Quality*, as the Caſe may be; and every Repacker of Beef and Pork ſhall carefully ſecure his Marking Irons, ſo as to put it out of the Power of his Servants or others to obtain and make uſe of the ſame, contrary to the true Intent and Meaning of this Act.

No Beef or Pork to be repacked that has not been well ſalted, and when repacked, to be branded.

Every Repacker to ſecure his Marking-Irons.

VI. *And be it further Enacted by the Authority aforeſaid*, That every of the Repackers to be appointed by Virtue of this Act, ſhall, before he enters upon the Execution of his Office, take the following Oath, before any Juſtice of the Peace, *viz.*

Repackers to take an Oath.

I ——, *do ſolemnly ſwear, That I will faithfully, truly and impartially, according to the beſt of my Judgment, Skill and Underſtanding, execute, do and perform the Office and Duty of an Inſpector and Examiner of Beef and Pork, according to the true Intent and Meaning of the Laws of this State relative to the ſame; and that I will not, directly or indirectly, brand, or ſuffer to be branded, any Caſks of Beef or Pork, but what ſhall be ſound and good.*

Form of the Oath.

VII. *And be it further Enacted by the Authority aforeſaid*, That all Beef and Pork repacked between the *firſt* Day of *April*, and the *firſt* Day of *October*, in every Year, ſhall, at the Time of repacking the ſame, be pickled with a good ſtrong Pickle, made of freſh Water, and of Salt not finer than *Liſbon* Salt, and that each Barrel, to prevent the Pickle from leaking, ſhall be well trimmed, and nailed with at leaſt *three* Nails on each Head, and with at leaſt *three* Pegs on each Quarter.

All Beef and Pork repacked at certain Seaſons, to be pickled.

VIII. *Provided always, and be it further Enacted by the Authority aforeſaid*, That it ſhall and may be lawful for any Owner of any Beef or Pork, to have the ſame repacked in any Store, Yard or Veſſel, by either of the Repackers ſo to be appointed as aforeſaid: But no Beef or Pork ſhall be repacked in any Street, or on any Wharf; and that the Repackers ſhall have and receive from the Owner of ſuch Beef and Pork, for repacking the ſame in the Store by them provided for that Purpoſe, at the Rate of *One Shilling* for

Beef or Pork may be repacked in any Yard or Veſſel, but not in the Streets.

Allowance to the Repackers for repacking Beef or Pork.

for each Barrel, and *Eight-Pence* for each half Barrel; and if repacked in any other Store, Yard or Veſſel, *One Shilling* and *Three-Pence* for each Barrel, and *Nine-Pence* for each half Barrel; and whether repacked in the Store provided by the Repacker, or in the Yard, or Store, or Veſſel, for each Hoop wanting, and put on by ſuch Repacker, *Two-Pence*; and for flagging, nailing, pegging and pickling each Barrel, *Nine-Pence*, and each half Barrel *Six-Pence*; the Owner finding or paying for the Salt.

Penalty on Repackers for Negligence.

IX. *And be it further Enacted by the Authority aforeſaid*, That if any Repacker of Beef or Pork, ſhall neglect or delay to repack any Beef or Pork, when thereunto required by the Owner or Owners thereof, for the Space of *Forty-eight* Hours, every ſuch Repacker ſhall for each Neglect, pay to ſuch Owner or Owners, the Sum of *Forty Shillings*.

Penalty for mixing or ſhifting any Beef or Pork after it has been repacked.

X. *And be it further Enacted by the Authority aforeſaid*, That if any Perſon or Perſons, ſhall, at any Time hereafter, intermix, take out or ſhift any Beef or Pork that has been repacked and branded as aforeſaid, every Perſon ſo taking out, intermixing, and fradulently ſhifting ſuch Beef or Pork, and being thereof convicted, ſhall forfeit and pay double the Value of the Beef or Pork ſo taken out, intermixed or ſhifted.

Repackers for Offences againſt this Act, to forfeit 50l.

XI. *And be it further Enacted by the Authority aforeſaid*, That for every Offence which the ſaid Repackers ſhall make or commit againſt the true Intent and Meaning of this Act, and be thereof convicted, he or they ſo offending, ſhall forfeit *Fifty Pounds*, and be rendered incapable of ſerving again in the Office.

Penalty on Owners of Beef and Pork, and Maſters of Veſſels, for exporting or ſhipping it without Inſpection.

XII. *And be it further Enacted by the Authority aforeſaid*, That if any Perſon or Perſons ſhall export, or ſhip for Exportation out of this State, any Beef or Pork not being inſpected, pickled and branded by one of the ſworn Inſpectors as aforeſaid, every ſuch Exporter, and the Maſter of every Veſſel having on board ſuch uninſpected Beef or Pork, ſhall, upon Conviction, reſpectively forfeit and pay the Sums following, for every Barrel of Beef or Pork ſo exported, or ſhipped for Exportation, as aforeſaid; *That is to ſay*, The Owner thereof ſhall forfeit and pay the Sum of *Forty Shillings*; and the Maſter of every Veſſel having the ſame on board, the Sum of *Ten Shillings*.

Inſpectors, by Warrant of a Juſtice, may enter on Board any Veſſel, and ſearch for Beef or Pork ſhipped for Exportation without Inſpection.

And further, That the ſaid Inſpectors, and every of them, ſhall have full Power and Authority by Virtue of this Act, on Suſpicion that any Beef or Pork not inſpected as aforeſaid, ſhall be ſhipped in any Veſſel for Exportation, to apply to any Juſtice of the Peace, and on Oath to aſſign to ſuch Juſtice the Cauſes of ſuch Suſpicion; and if the ſaid Juſtice ſhall think the ſaid Suſpicion well grounded, he ſhall iſſue his Warrant to the ſaid Inſpector or Inſpectors, to enter on board any Veſſel whatever, loading or laden in this State, either in the whole or in Part, and to ſearch for and make Diſcovery of any Beef or Pork ſhipping or ſhipped on board any ſuch Veſſel for Exportation out of this State; and if any of the ſaid Inſpectors ſhall diſcover any Beef or Pork not repacked, branded and pickled, as directed in and by this Act, on board of any ſuch Veſſel, ſuch Inſpector ſhall apply to ſuch Juſtice of the Peace, who is hereby authoriſed and required to iſſue his Warrant, directed to ſome Peace Officer or Officers, commanding him or them to enter on board every ſuch Veſſel having on board ſuch uninſpected Beef or Pork, and cauſe the ſame to be relanded and delivered to the Owner or Owners thereof, upon his or their paying the Expence of ſuch Search and Relanding.

And if any is diſcovered, it ſhall be relanded.

Penalty for obſtructing ſuch Search or relanding.

And if any Perſon or Perſons ſhall obſtruct or hinder any Inſpector from making ſuch Search as aforeſaid, or any Peace Officer, in relanding ſuch Beef or Pork, every Perſon ſo offending, ſhall forfeit and pay the Sum of *One Hundred Pounds*.

XIII. *And*

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Inſpectors not to inſpect any Beef or Pork out of their Counties.

Any Perſon not an Inſpector, branding any Caſk of Beef or Pork, to forfeit 5l.

XIII. *And be it further Enacted by the Authority aforeſaid*, That no Inſpector of Beef and Pork, to be appointed by Virtue of this Act, ſhall inſpect or brand any Caſks of Beef or Pork, out of the City or County for which he ſhall be appointed an Inſpector, upon Pain of forfeiting the Sum of *Twenty Pounds*. And if any Perſon other than the ſaid Inſpectors, ſhall brand any Caſks of Beef or Pork in the Manner directed by this Act, every Perſon ſo offending, ſhall forfeit the Sum of *Five Pounds*, for every Caſk ſo branded.

Shippers Name to be branded on the Caſks at the Time of repacking, or before.

XIV. *And be it further Enacted by the Authority aforeſaid*, That upon the Head of every Barrel or Caſk of Beef or Pork, which ſhall be ſhipped from any Port in this State, to any Port either within or without the ſame, the Shipper thereof ſhall, before, or at the Time ſuch Beef or Pork is repacked, cauſe the initial Letter of his Chriſtian Name, and his Sirname, at full length, to be branded.

Penalties and Forfeitures, how to be ſued for, recovered and applied.

XV. *And be it further Enacted by the Authority aforeſaid*, That every the Forfeitures and Penalties aforeſaid, ſhall and may be recovered, with Coſts of Suit, in any Court having Cognizance thereof, by any Perſon or Perſons who will ſue and proſecute for the ſame to Effect; one Moiety of which ſaid Forfeitures and Penalties, when recovered, ſhall be paid to the Overſeers of the Poor of the Town or Place where the Offence ſhall be committed, for the Uſe of the Poor thereof; and the other Moiety thereof to ſuch Perſon or Perſons as will ſue for the ſame as aforeſaid.

All former Laws on this ſubject repealed.

XVI. *And be it further Enacted by the Authority aforeſaid*, That all Acts of the late Colony of *New-York*, reſpecting the repacking of Beef and Pork, be, and they are, from and after the ſaid firſt Day of *October* next, hereby repealed.

CHAP. LVI.

An ACT *to regulate the Culling of Staves and Heading.*

Paſſed 7th March, 1788.

Preamble.

WHEREAS Staves and Heading have become Articles of conſiderable Exportation from this State, and it is neceſſary that great Care be taken to preſerve their Reputation at foreign Markets; Therefore,

No Staves or Heading to be exported without culling.

Size and Quality of different Kinds of Staves and Heading.

I. *Be it Enacted by the People of the State of* New-York, *repreſented in Senate and Aſſembly, and it is hereby Enacted by the Authority of the ſame*, That from and after the *firſt* Day of *July* next, no Staves or Heading ſhall be exported out of this State, to any foreign Market, but ſuch as ſhall be culled by the Cullers hereafter to be appointed for that Purpoſe. That all Butt Staves ſhall be made of good White-Oak Timber, and ſhall be of the following Dimenſions: The long Butts ſhall be five Feet ſix Inches long, the ſhort Butts four Feet ſix Inches long, and both at leaſt five Inches broad when dreſſed, clear of Sap; two Inches thick on the thineſt Edge, and not more than two and an half Inches thick in any Place; and ſhall be regularly ſplit with the Grain of the Wood, and free from Twiſt; and to be otherwiſe good and ſufficient. That all Pipe Staves ſhall be made of good White-Oak Timber, and ſhall be four Feet ſix Inches long; and ſhall work three and an half Inches broad when dreſſed, clear of Sap; and ſhall be three quarters of an Inch thick on the thin Edge, regularly ſplit with the Grain of the Wood, and ſhall not have more than ſix Worm Holes; and be otherwiſe good and ſufficient. That all White-Oak Hogſhead Staves ſhall be made of good Timber, and ſhall be three Feet ſix Inches long; and ſhall work three and half Inches broad when dreſſed clear of Sap, and ſhall be three quarters of an Inch thick on the thin Edge, regularly ſplit with the Grain of the Wood, and ſhall not have more than four Worm Holes; and be otherwiſe good and ſufficient.

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That all Barrel Staves ſhall be two Feet eight Inches long, and ſhall work three and an Half Inches broad, when dreſſed clear of Sap, and ſhall be three Quarters of an Inch thick on the thin Edge, regularly ſplit with the Grain of the Wood, and not more than four Worm Holes; and otherwiſe good and ſufficient. That all Heading ſhall be made of good White-Oak Timber, and ſhall be two Feet eight Inches long, and ſhall not be leſs than ſix Inches broad, clear of Sap; three Fifths of which ſhall be fit for middle Pieces, and ſhall not be leſs than three Fourths of an Inch thick on the thin Edge; and be otherwiſe good and ſufficient. That all Red-Oak Hogſhead Staves ſhall be three Feet ſix Inches long, four Inches broad, including Sap, and ſhall be three Quarters of an Inch thick on the thin Edge.

Governor and Council of Appointment to appoint Cullers.

II. *And be it further Enacted by the Authority aforeſaid*, That the Governor, or Perſon adminiſtring the Government of this State, for the Time being, by and with the Advice and Conſent of the Council of Appointment, ſhall and may appoint eight or more Cullers for the City and County of *New-York*; four or more Cullers for the City and County of *Albany*; two or more Cullers for the City of *Hudſon*; and as many in the other Counties in this State, as ſhall appear from Time to Time to be neceſſary.

Cullers to take an Oath.

III. *And be it further Enacted by the Authority aforeſaid*, That each of the Cullers to be appointed by Virtue of this Act, ſhall take the following Oath, before ſome Perſon or Perſons authorized to adminiſter the ſame, *viz.*

Form of the Oath.

I——, *do ſolemnly ſwear, That I will, well, faithfully, truly and impartially, according to the beſt of my Judgment, Skill and Underſtanding, execute, do and perform the Office of a Culler and Examiner of Staves and Heading, according to the true Intent and Meaning of the Laws of this State relative thereto.*

Allowance for culling.

IV. *And be it further Enacted by the Authority aforeſaid*, That the reſpective Cullers ſhall be entitled to receive for culling every Thouſand Pipe Staves, the Sum of *Four Shillings*; for every Thouſand Hogſhead Staves and Heading, the Sum of *Three Shillings*; for every Thouſand Barrel Staves, the Sum of *Two Shillings*; and for every Thouſand long Butt Staves, the Sum of *Ten Shillings*; and for every Thouſand ſhort Butt Staves, the Sum of *Eight Shillings*, and no more; computing twelve Hundred Staves or Heading to a Thouſand; one half to be paid by the Buyer, the other half by the Seller: And for all ſuch Staves or Heading as are culled out and not merchantable, the Culler ſhall be entitled to receive of the Proprietor thereof, the one Half the Price of the culling merchantable Staves or Heading.

Diſputes ariſing between Buyers and Sellers, how to be ſettled.

V. *And be it further Enacted by the Authority aforeſaid*, That where any Diſputes ſhall ariſe between the Buyer and Seller of Staves and Heading, reſpecting the Culling of the Staves by the Culler who was employed for the Purpoſe, ſuch Diſpute ſhall be ſubmitted to two other Cullers of Staves or Heading; one to be choſen by the Buyer, and the other by the Seller; and their Determination ſhall be concluſive.

Penalty for ſhipping any Staves or Heading without being culled.

VI. *And be it further Enacted by the Authority aforeſaid*, That if any Perſon or Perſons ſhall ſhip on board any Veſſel for Exportation out of this State, any Staves or Heading, to any foreign Market, but ſuch as have been viewed and examined by ſome one of the Cullers appointed by Virtue of this Act, in the City, County or Town where ſuch Staves or Heading were exported from, the Maſter of ſuch Veſſel ſhall forfeit and pay the Sum of *Twenty Shillings*, for every Thouſand ſo taken on board; and the Owner or Proprietor thereof, the Sum of *Forty Shillings* for every Thouſand ſo ſhipped on board for Exportation: To be recovered, with Coſts of Suit, by any Perſon who will proſecute for the ſame, in any Court having Cognizance thereof.

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Penalty for ſhipping Staves or Heading which have been condemned; or mixing them with ſuch as have been culled.

VII. *And be it further Enacted by the Authority aforeſaid*, That if any Perſon or Perſons ſhall ſhip on board any Ship or Veſſel for Exportation to any foreign Market, any Staves or Heading that have been condemned; or ſhall mix the ſame with any Staves or Heading that have been culled; every ſuch Perſon, upon due Proof thereof, ſhall forfeit and pay the Sum of *Forty Shillings*, for every Thouſand condemned Staves or Heading ſo ſhipped on board or mixed: To be recovered in Manner aforeſaid.

Cullers, by Warrant of a Juſtice, may enter on board any Veſſel, and ſearch for Staves orHeading which they ſuſpect are intended to be exported contrary to this Act;

And if any are diſcovered, the ſame to be relanded.

VIII. *And be it further Enacted by the Authority aforeſaid*, That the ſaid Cullers, and every of them, ſhall have full Power and Authority by Virtue of this Act, and on Suſpicion that any Staves or Heading which have not been culled, or which have been condemned as aforeſaid, ſhall be ſhipped in any Ship or other Veſſel, for Exportation, to apply to any Juſtice of the Peace; and on Oath to aſſign to ſuch Juſtice, the Cauſes of ſuch Suſpicion: And if the ſaid Juſtice ſhall think the ſaid Suſpicion well grounded, he ſhall iſſue his Warrant to the ſaid Culler or Cullers, to enter on board any Ship or Veſſel whatſoever, within any Harbour, Port or River, within the County of which he is a Culler, to ſearch for and make Diſcovery of any Staves or Heading ſhipped or ſhipping on board any ſuch Veſſel, for Exportation, immediately from thence to any foreign Market: And if the ſaid Culler, on ſuch Search, diſcover any Staves or Heading ſhipped on board any ſuch Veſſel, that have not been culled by one of the Cullers appointed by Virtue of this Act; or ſhall find on board, any Staves that have been culled out or condemned, ſuch Culler ſhall apply to one of the neareſt Juſtices of the Peace; who is hereby required to iſſue his Warrant directed to ſome Peace Officer or Officers; commanding him or them to enter on board ſuch Veſſel having on board ſuch condemned or uninſpected Staves or Heading, and cauſe the ſame to be relanded and delivered to the Owner or Owners thereof, upon his or their paying the Expence of ſuch Search and Relanding.

Forfeitures incurred by this Act, how to be applied.

IX. *And be it further Enacted by the Authority aforeſaid*, That one Moiety of the Forfeitures to be recovered by Virtue of this Act, ſhall be paid to the Overſeers of the Poor in the Town or Place where the Offence was committed, for the Uſe of the Poor thereof; and the other Moiety thereof to ſuch Perſon or Perſons as will ſue for the ſame as aforeſaid.

CHAP. LVII.

An ACT *authorizing the Corporation of the City of* New-York, *to remove the Statue therein mentioned.*

Paſſed 7th March, 1788.

Preamble.

WHEREAS the leveiling and altering of *Wall-Street*, in the City of *New-York*, renders it inconvenient that the Remains of the Statue of the late Earl of *Chatham*, while the Right Honorable *William Pitt*, which now ſtands in the ſaid Street, ſhould continue there: Therefore,

Corporation empowered to remove *Pitt*'s Statue.

Be it Enacted by the People of the State of New-York, *repreſented in Senate and Aſſembly, and it is hereby Enacted by the Authority of the ſame*, That it ſhall be lawful for the Corporation of the City of *New-York*, to cauſe the ſaid Statue to be removed to ſome convenient Place, where the ſame may be preſerved, until the further Order of the Legiſlature.

CHAP.

CHAP. LVIII.

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An ACT *supplementary to the Act entitled,* ‡ *An* Act, *to prevent the Exportation of unmerchantable Flour, and the falſe Tareing of Bread and Flour Caſks.*

‡ *8th Seſſ. Ch.* 35.

Paſſed 7th March, 1788.

I. BE *it Enacted by the People of the State of* New-York, *repreſented in Senate and Aſſembly, and it is hereby Enacted by the Authority of the ſame,* That the Act, entitled, *An* Act *to prevent the Exportation of unmerchantable Flour, and the falſe Tareing of Bread and Flour Caſks,* paſſed the *ſixteenth* of *March,* One Thouſand Seven Hundred and Eighty-five, and every Section and Article therein mentioned, except the Fifteenth and Twenty-firſt Sections thereof, ſhall extend, and it is declared and enacted to extend to Rye and Buckwheat Flour, in as full and ample a Manner, as if the ſaid ſeveral Articles had been expreſsly named or mentioned in the ſaid Act; any Thing in the ſaid Act to the Contrary notwithſtanding.

The Act for preventing the Exportation of unmerchantable Flour extended to Rye and Buckwheat Flour.

II. *And be it further Enacted by the Authority aforeſaid,* That every Caſk containing Rye or Buckwheat Flour, ſhall (beſides the Marks and Brands directed by the ſaid Act, to be put by Manufacturers on Caſks containing Wheat Flour) be branded on one of the Heads with the Words, *Rye Flour,* or *Buck W. Flour,* as the Caſe may require.

Caſk containing Rye and Buckwheat Flour, how to be marked.

III. *And be it further Enacted by the Authority aforeſaid,* That no Meal made of Indian-Corn ſhall be exported from this State, unleſs it be inſpected by one of the Inſpectors appointed purſuant to the Act herein before mentioned, and unleſs it ſhall appear to the Satisfacton of the ſaid Inſpectors, that the Corn of which the ſaid Meal was made, had been ſufficiently dry or had been Kiln-dried, and ſuch as has been Kiln-dried, ſhall be branded on the Caſk with the Letters, *Kiln D. Meal,* and with the initial Letter of the Miller or Owner's Chriſtian Name, and his Sirname at full length; and the Caſk containing the ſame, ſhall be of the following Dimentions, *to wit;* Twenty-ſeven Inches in Length, and the Diameter of each Head ſixteen Inches and one Half, and the Caſks made nearly ſtrait, for the Convenience of ſtowing in Veſſels; and each of the ſaid Caſks ſhall contain One Hundred and Sixty-eight Pounds of Meal, which Weight ſhall be branded on each of the Caſks, and the Tare marked thereon with a Marking-Iron. *Provided nevertheleſs,* That nothing in this Act ſhall prevent the packing of Indian-Meal, for Exportation, in Hogſheads; but all ſuch Meal ſhall be inſpected and branded as if packed in Barrels; and the Inſpectors ſhall be entitled to receive, for inſpecting each Hogſhead, the Sum of *Three-Pence,* and for each Barrel, the Sum of *One-Penny Half-Penny*; and the Weight of Meal in each ſuch Hogſhead ſhall be marked thereon.

No Indian Meal to be exported without Inſpection, and how to be marked.

Size of the Caſks for Indian Meal, and what Quantity each is to contain.

Indian Meal may be packed in Hogſheads.

Allowance for Inſpection.

IV. *And be it further Enacted by the Authority aforeſaid,* That if any Perſon or Perſons ſhall mix any uninſpected Buckwheat Flour, Rye Flour, or Meal made of Indian-Corn, with ſuch as has been inſpected, and ſhall offer the ſame for Sale as inſpected Flour, he, ſhe or they ſo offending, ſhall forfeit for each Barrel ſo mixed and offered for Sale, the Sum of *Twenty Shillings;* and for each Hogſhead ſo mixed and offered for Sale, the Sum of *Three Pounds.* And if any Perſon or Perſons ſhall export any Indian-Meal that has not been inſpected and branded as herein before directed, he, ſhe or they ſhall forfeit for every Barrel ſo exported, the Sum of *Ten Shillings,* and for every Hogſhead ſo exported, the Sum of *Thirty-Shillings.* And the ſaid Inſpectors, appointed or to be appointed purſuant to the ſaid herein before mentioned Act, are hereby directed not to inſpect any Wheat Flour, but what ſhall be packed in new Caſks, not before uſed for any Purpoſe.

Penalty for mixing inſpected with uninſpected Flour or Meal.

Penalty for exporting Indian Meal without Inſpection or branding.

No Wheat Flour to be inſpected but what is in new Caſks.

V. *And*

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Word, *Bad*, to be branded on Caſks of condemned Flour or Meal.

V. *And be it further Enacted by the Authority aforeſaid*, That it ſhall and may be lawful for the Inſpector or Inſpectors of Flour and Meal, in this State, and they are hereby directed to brand or mark the word, *Bad*, on the Head of each Caſk of condemned Flour or Meal.

Caſks containing Flour called Middlings, how to be marked.

VI. *And be it further Enacted by the Authority aforeſaid*, That on the Head of each Caſk or Barrel, in which Flour, commonly called Middlings, or Cornel, ſhall be packed for Sale or Exportation, the initial Letter of the Owner's or Miller's Chriſtian Name, with his Sirname at full length, ſhall be branded, and alſo the Word, *Middlings*, or, *Cornel*, as the Caſe may be; and every Perſon who ſhall ſell or export any Middlings or Cornels in Caſks not branded as herein before directed, ſhall forfeit for each Caſk ſo ſold or exported, and not branded, the Sum of *Ten Shillings*.

Standard Weight of merchantable Wheat, to be Sixty Pounds to the Buſhel.

VII. *And be it further Enacted by the Authority aforeſaid*, That the Standard Weight of Wheat brought to the City of *New-York* for Sale, ſhall be Sixty Pounds Nett to the Buſhel; and in all Caſes of Sales of Wheat in the ſaid City, by the Buſhel, if the ſame ſhall exceed the Standard Weight, the Buyer ſhall pay a proportionably greater Price; and if the ſame ſhall be leſs than the ſaid Standard, the Buyer ſhall pay a proportionably leſs Price. *Provided*, That this Regulation ſhall not extend to any ſpecial Contracts reſpecting the Sales of Wheat, whatever may be the Weight thereof.

All Kinds of hard Bread to be marked with the Baker's Name, and the Caſks containing ſuch Bread to be alſo marked.

VIII. *And be it further Enacted by the Authority aforeſaid*, That every Baker of any of the Kinds of hard Bread, commonly called Ship, Middling, Water, Butter or Milk Biſcuit, intended for Sale, ſhall cauſe the initial Letter of his Chriſtian, with his Sirname at full length, to be impreſſed on each Biſcuit ſo baked; and that upon the Head of every Caſk or Keg in which any ſuch Biſcuit are packed for Exportation, ſhall be marked with a Marking-Iron, the Tare of ſuch Caſk or Keg; and that the initial Letter of the Baker's Chriſtian Name, with his Sirname at full length, ſhall be branded thereon, with Words expreſſing the Kind of Bread or Biſcuit contained in the ſame, and the Name of the City or County where ſuch Bread or Biſcuit was baked; and ſuch Biſcuit as is commonly ſold in ſmall Kegs, ſhall contain either ſeven or fourteen Pounds of the ſaid Bread. And if any Perſon or Perſons ſhall ſell or ſhip for Exportation, any Kind of hard Bread, not marked and branded as herein before directed, he, ſhe or they, ſhall forfeit for each Hundred Weight ſo ſhipped or ſold, the Sum of *Five Shillings*; and ſo in Proportion for a greater or leſs Quantity.

Penalty for exporting hard Bread not ſo marked.

Allowance to Meaſurers for meaſuring Flax-ſeed, Wheat, Rye, Salt, &c.

IX. *And be it further Enacted by the Authority aforeſaid*, That the ſeveral Meaſurers appointed, or to be appointed within this State, ſhall be entitled to receive and take for meaſuring Flax-ſeed, Salt, Wheat, Rye, Corn, Buckwheat, or any other Article commonly ſold by the Buſhel, *One Half-Penny*, per Buſhel, and no more; and for all Coal meaſured, at and after the Rate of *Two Shillings* for every Chaldron, and no more; the one Half to be paid by the Buyer, and the other Half by the Seller; unleſs a particular Contract is made to the contrary.

This Act when to be in Force, and the Penalties therein mentioned, how to be recovered and applied.

X. *And be it further Enacted by the Authority aforeſaid*, That this Act ſhall be in Force from and after the *firſt* Day of *July* next; and that all Forfeitures mentioned in the ſame, ſhall and may be recovered in any Court having Cognizance thereof, with Coſts of Suit, by any Perſon or Perſons who ſhall ſue for them reſpectively, by Action of Debt, Bill, Plaint or Information; the one Half thereof to be for his, her or their own Uſe, and the other Half for the Uſe of the People of this State.

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CHAP. LIX.

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Private.

An ACT *for the Relief of* William Chace.

Passed 7th March, 1788.

CHAP. LX.

Obsolete.
See 9th Sess. Ch. 59.

An ACT *to raise a further Sum of Money, to finish the Court-Houses and Goal in* Westchester *County; and for other Purposes therein mentioned.*

Passed 7th March, 1788.

CHAP. LXI.

An ACT *making such Alterations in the Act for Incorporating religious Societies, as to render the same more convenient to the Reformed Protestant Dutch Congregations.*

Passed 7th March, 1788.

Preamble.

WHEREAS by the Usage of the religious Societies commonly known by the Appellation of the *Reformed Protestant Dutch Churches*, or Congregations, the Minister or Ministers, and Elders and Deacons for the Time being, have the Management of the Temporalities of the respective Congregations; and the said Congregations cannot therefore avail themselves of the Benefit intended by the Act, entitled, ‡ *An Act to enable all the religious Denominations in this State, to appoint Trustees, who shall be a Body Corporate, for the Purpose of taking Care of the Temporalities of their respective Congregations, and for other Purposes therein mentioned;* passed the 6th Day of *April*, 1784; without departing from such Usage which hath long been established, and hath always been approved of by the Members of the said Congregations. *And whereas* several of the said Congregations have, by their Petitions to the Legislature, prayed that they might be accommodated in this Respect, and that the requisite Alterations might be made in the said Act; Therefore,

‡ *7th Sess. Ch. 18.*

Ministers, Elders and Deacons of Reformed Protestant Dutch Churches, for the Time being, to be Trustees of said Churches, and considered as Bodies Corporate, as tho' they had been elected agreeable to an Act herein recited.

How such Trustees are to be elected.

Ministers, Elders and Deacons of any such Church to meet and execute a Certificate, purporting by what Name the said Trustees shall thereafter be known as a Body Corporate.

I. *Be it Enacted by the People of the State of* New-York, *represented in Senate and Assembly, and it is hereby Enacted by the Authority of the same*, That the Elders and Deacons for the Time being, and if there shall be a Minister or Ministers, then the Minister or Ministers, and Elders and Deacons for the Time being, (during the Time there shall so be a Minister or Ministers) of every Reformed Protestant Dutch Church or Congregation, established or formed, or hereafter to be established or formed in this State, shall be Trustees for their respective Churches or Congregations, and be respectively Bodies corporate, to the same Intents and Purposes, and with the like Powers and Authorities, and Capacities, and subject to the same Duties as are in and by the said Act declared and enacted, with Respect to Trustees elected agreeable to the Mode therein prescribed. That the said Trustees so to be respective Bodies corporate in Virtue of this Act, shall be respectively elected agreeable to the Rules and Usages of the Reformed Protestant Dutch Churches within this State. That it shall be lawful for the Elders and Deacons, and where there shall be a Minister or Ministers, then for the Minister or Ministers, and Elders and Deacons, of every Reformed Protestant Dutch Church or Congregation already formed or established, or hereafter to be formed or established within this State, to assemble together as soon as they shall respectively deem it convenient; and to execute under their Hands and Seals, a Certificate, certifying the Name, Style or Title, by which they the said Trustees of such Church or Congregation, and their Successors forever, shall, as a Body corporate by Virtue of this Act, be

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Truſtees under former Act, may declare their Will not to continue a Body Corporate; and thereupon their Eſtate to veſt in the Truſtees under this Act.

called, diſtinguiſhed or known: And which Certificate ſhall be proved or acknowledged and recorded, in like Manner as is directed in and by the ſaid Act. *And further*, That it ſhall be lawful for the Truſtees of any ſuch Church or Congregation elected in Virtue of the ſaid Act, by Writing under their Hands and Seals, (to be proved or acknowledged, and recorded as aforeſaid) to declare their Will not to continue longer a Body corporate; and from and immediately after the recording of ſuch Writing, ſuch Body corporate, ſhall ceaſe; and all the Eſtate, real or perſonal, held by them, ſhall paſs to and be veſted in the Truſtees of ſuch Church or Congregation made a Body corporate by Virtue of this Act.

CHAP. LXII.

An ACT *for the better Settlement and Relief of the Poor.*

Paſſed 7th March, 1788.

Preamble.

WHEREAS the Laws of this State for the Settlement and Relief of the Poor, and for the Removal of diſorderly Perſons, have by Experience, been found inſufficient: For Remedy whereof,

Every City and Town to ſupport their own Poor.

I. *Be it Enacted by the People of the State of* New-York, *repreſented in Senate and Aſſembly, and it is hereby Enacted by the Authority of the ſame,* That every City and Town ſhall ſupport and maintain their own Poor.

By what Means any Perſons may gain a legal Settlement in any Town.

II. *And be it further Enacted by the Authority aforeſaid,* That every Perſon who ſhall have come to inhabit in any City or Town within this State, and ſhall actually and *bona fide* have rented and occupied a Tenement of the yearly Value of *Twelve Pounds* or upwards, for two Years, and actually paid ſuch Rent; and every Perſon who ſhall have come to inhabit in any City or Town within this State, and ſhall for himſelf, or on his own Account, have executed any public annual Office or Charge in ſuch City or Town, during one whole Year; or who ſhall have been charged with and paid his or her Share towards the public Taxes of ſuch City or Town, for the Space of two Years; and every Perſon who ſhall have been bound an Apprentice or Servant by Indenture, or by any Deed, Contract or Writing not indented, and ſhall, in Conſequence of ſuch Binding, have ſerved a Term not leſs than two Years, in ſuch City or Town, ſhall be deemed and adjudged to have obtained a legal Settlement in ſuch City or Town; and that all Mariners coming into this State, and having no Settlement in this State, or in any other of the United States of *America;* and every other healthy able-bodied Perſon, coming directly from ſome foreign Port or Place, into this State, ſhall be deemed and adjudged to be legally ſettled in the City or Town in which he or ſhe ſhall have firſt reſided for the Space of one Year.

Baſtard Children where ſettled.

III. *And be it further Enacted by the Authority aforeſaid,* That every Baſtard Child, ſhall be deemed and adjudged to be ſettled in the City or Town of the laſt legal Settlement of his or her Mother.

Purchaſe of any Eſtate for a leſs conſideration than 30l. not to gain a Settlement.

IV. *And be it further Enacted by the Authority aforeſaid,* That no Perſon or Perſons ſhall be deemed, adjudged or taken to acquire or gain a Settlement in any City or Town within this State, for or by Virtue of any Purchaſe of any Eſtate or Intereſt in ſuch City or Town, whereof the Conſideration for ſuch Purchaſe ſhall not amount to the Sum of *Thirty Pounds*, *bona fide* paid, for any longer or further Time than ſuch Perſon or Perſons ſhall inhabit in ſuch Eſtate; and ſhall then be liable to be removed to the City or Town where ſuch Perſon or Perſons were laſt legally ſettled before the ſaid Purchaſe and Inhabitancy therein.

V. *And*

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V. *And be it further Enacted by the Authority aforeſaid*, That if any Perſon or Perſons, other than thoſe herein before mentioned, coming into any City or Town within this State, ſhall, within *Forty Days* after his, her or their coming into ſuch City or Town, deliver a Notice in Writing, to any two Overſeers of the Poor of ſuch City or Town into which he, ſhe or they ſhall ſo come to reſide, of the Houſe or Place of his, her or their Abode, and the Number and Names of his, her or their Family, (if he, ſhe or they ſhall have any) which Notice, ſuch Overſeers of the Poor are hereby required to regiſter, or to cauſe to be regiſtered within Forty-eight Hours after the Receipt thereof, in the Book kept in ſuch City or Town for the Accounts of the Poor; and in caſe the Overſeers of the Poor of ſuch City or Town, ſhall not, within twelve Months after ſuch Notice, cauſe ſuch Perſon or Perſons to be removed out of ſuch City or Town, in the Manner herein after mentioned; that then, and in ſuch Caſe, the Perſon or Perſons ſo giving Notice as aforeſaid, ſhall be deemed and adjudged to be legally ſettled in ſuch City or Town, to all Intents and Purpoſes whatſoever.

Any Stranger coming into any Town, to give Notice thereof to any two Overſeers of the Poor, within *forty* Days; and if after ſuch Notice, he is not removed in one Year, then he ſhall gain a Settlement.

VI. *And be it further Enacted by the Authority aforeſaid*, That if any Overſeer or Overſeers of the Poor, ſhall refuſe or neglect to regiſter, or to cauſe to be regiſtered, ſuch Notice in Writing as aforeſaid, in ſuch Time and Manner as aforeſaid, he or they ſhall, for every ſuch Refuſal or Neglect, forfeit the Sum of *Forty Shillings*, to the Uſe of the Party aggrieved; to be recovered with Coſts of Suit, in any Court having Cognizance thereof.

Overſeer for neglecting to regiſter ſuch Notice, to forfeit 40s.

VII. *And be it further Enacted by the Authority aforeſaid*, That if any Overſeer or Overſeers of the Poor of any City or Town, ſhall have Reaſon to believe that any Stranger who ſhall have come to reſide in ſuch City or Town, and who ſhall not have obtained a legal Settlement in ſuch City or Town, according to the true Intent and Meaning of this Act, is likely to become chargeable to ſuch City or Town; ſuch Overſeer or Overſeers of the Poor, ſhall and may apply to any two Juſtices of the Peace of ſuch City, or of the County in which ſuch Town ſhall lie, and inform them thereof; and the ſaid Juſtices being ſo or otherwiſe informed, or ſeeing ſuch Stranger and ſuſpecting him or her to be of inſufficient Abilities, or likely to become a Charge to ſuch City or Town, are hereby authorized and required to iſſue their Warrant to a Conſtable of ſuch City or Town, thereby commanding him to bring ſuch Stranger before them the ſaid Juſtices, at ſuch Time and Place as they, in their ſaid Warrant ſhall for that Purpoſe appoint; and they the ſaid Juſtices ſhall examine every Stranger ſo brought before them, and any other Perſon or Perſons, whom they may think neceſſary, upon Oath, relating to the Abilities and laſt Place of legal Settlement of ſuch Stranger; and if upon ſuch Examination the ſaid Juſtices ſhall find ſuch Stranger likely to become a Charge to ſuch City or Town, they ſhall order and direct ſuch Stranger, by a certain Day by them to be prefixed, to remove to the Place of his, her or their former Settlement; and on Neglect or Refuſal to comply with the ſaid Order, the ſaid Juſtices ſhall iſſue a Warrant under their Hands and Seals, directed to any Conſtable of ſuch City or Town (who is hereby required and commanded to execute ſuch Warrant) thereby commanding him to convey or tranſport ſuch Stranger to the Conſtable of the next City or Town, through which ſuch Stranger ſhall have been ſuffered to wander and ſtroll unapprehended; and ſo from Conſtable to Conſtable, or in ſuch other Manner, by the neareſt and moſt convenient Rout, as the ſaid Juſtices ſhall think fit to direct, to the Place of legal Settlement of ſuch Stranger, if the ſame ſhall be within this State. *And further*, If ſuch Stranger hath no Place of legal Settlement within this State, or if the ſaid Juſtices ſhall not be able to diſcover where the laſt Place of legal Settlement of ſuch Stranger was, then the ſaid Juſtices ſhall, in their ſaid Warrant, direct that he or ſhe be conveyed and

Overſeers, when they ſuſpect any Stranger will become a Charge to their Town, to apply to two Juſtices of the Peace.

Juſtices, upon being ſo or otherwiſe informed, required to cauſe ſuch Stranger to be brought before them, and examine him or any other Perſon, on Oath, relating to his Abilities and Place of Settlement;

And if they find him likely to become chargeable, to order him to remove by a certain Day:

And on his Neglect to remove him by Warrant, to the Place of his Settlement:

And if he has no Place of legal Settlement in this State, then to the Town from whence he laſt came.

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and tranſported to the City or Town from whence he or ſhe laſt came; and the Conſtable ſo conveying ſuch Stranger ſhall deliver him or her, together with his Warrant aforeſaid, to or at the Houſe of ſome Conſtable of ſuch City or Town; which Conſtable is hereby required to receive ſuch Stranger, and convey him or her to the next Conſtable; and ſo from Conſtable to Conſtable, or otherwiſe, as ſuch Juſtices ſhall direct as aforeſaid, until ſuch Stranger ſhall be tranſported into ſome City or Town within this State, where he or ſhe ſhall have come from or be legally ſettled in, or out of this State into the State from whence he or ſhe came into this State, as the Caſe may require.

Any Houſeholder entertaining a Stranger for *fifteen* Days, without giving Notice, to forfeit *Forty Shillings*.

VIII. *And be it further Enacted by the Authority aforeſaid*, That if any Houſeholder or Inhabitant of this State, ſhall take into, receive or entertain, in his, her or their Dwelling-Houſe, Out-Houſe or Family, for the Space of *fifteen* Days, any Perſon who hath not gained a Settlement in ſome City or Town within this State, and ſhall not, within the Time aforeſaid, give Notice in Writing to one of the Overſeers of the Poor of ſuch City or Town, of the Name, Quality, Condition and Circumſtances of the Perſon ſo entertained, according to the beſt Knowledge of ſuch Houſeholder or Inhabitant; every ſuch Houſeholder or Inhabitant, ſo entertaining as aforeſaid, ſhall for every ſuch Offence, forfeit the Sum of *Forty Shillings*; to be recovered with Coſts of Suit, before any Court having Cognizance thereof, by any Perſon or Perſons who ſhall ſue and proſecute for the ſame to Effect; one Half of which Forfeiture, when recovered, to be paid to the Overſeers of the Poor of ſuch City or Town; and the other Half to the Perſon or Perſons who ſhall ſue for the ſame as aforeſaid. *And further*, If the Perſon ſo entertained as aforeſaid, ſhall have remained in any City or Town longer than the Term of *forty Days*, then, and in ſuch Caſe, it ſhall and may be lawful for any two Juſtices of the Peace of ſuch City, or of the County in which ſuch Town ſhall lie, to cauſe ſuch and ſo many of the Houſeholders or Inhabitants of ſuch City or Town, who ſhall have ſo entertained ſuch Stranger during the Term of *fifteen Days*, without giving Information thereof as aforeſaid, to be brought before them the ſaid Juſtices; and ſuch Houſeholders or Inhabitants ſhall enter into Bond to the Overſeers of the Poor of ſuch City or Town for the Time being, and their Succeſſors, in the Sum of *One Hundred Pounds*; *Conditioned*, That ſuch Stranger ſhall not become a Charge to ſuch City or Town. And in Caſe any of the ſaid Perſons, who ſhall have entertained ſuch Stranger as aforeſaid, being in the Opinion of ſuch Juſtices of the Peace, of ſufficient Ability, ſhall refuſe to become bound as aforeſaid, it ſhall and may be lawful for the ſaid Juſtices of the Peace, by Warrant under their Hands and Seals, directed to any Conſtable of ſuch City or Town, to cauſe ſuch Perſon or Perſons ſo refuſing, to be committed to the common Gaol of ſuch City, or of the County in which ſuch Town ſhall lie; there to remain until he, ſhe or they reſpectively ſhall conſent and become bound as aforeſaid; and ſuch Bond ſhall not be avoided by Plea of Dureſs. But if the Perſon or Perſons ſo entertaining ſuch Strangers, ſhall not, in the Opinion of the ſaid Juſtices of the Peace, be of ſufficient Abilities to become bound as aforeſaid; or if the ſaid Juſtices ſhall not think fit to take ſuch Bond as aforeſaid, then they ſhall cauſe ſuch Stranger to be conveyed from Conſtable to Conſtable, in Manner aforeſaid, until he or ſhe ſhall be tranſported to the Place of his or her laſt Settlement, if within this State, or into any other of the United States, if from thence he or ſhe came.

And if ſuch Stranger continues in ſuch City or Town longer than *forty* Days, then the Juſtices ſhall cauſe ſuch Houſeholders who have entertained him without giving Notice to enter in Bond in the Sum of 100l. *Conditioned*, That ſuch Stranger ſhall not become a publicCharge;

And on their Refuſal to become bound, to commit them to Gaol.

If Juſtices do not think proper to take ſuch Bond, they ſhall cauſe ſuch Stranger to be removed.

Conſtable's Allowance for removing Strangers.

IX. *And be it further Enacted by the Authority aforeſaid*, That every Conſtable tranſporting any Stranger or Strangers, ſhall receive ſo much Money for his or their Services, as the Superviſors of the City or County ſhall judge he reaſonably deſerved to have. *And further*, That the Charges of every Tranſportation

Transportation shall be borne by the respective City or County, and be raised, levied, collected and paid in the same Manner as other Monies for the contingent Charges of such City or County are raised, levied, collected and paid in such respective City or County.

How to be borne and raised.

X. *And be it further Enacted by the Authority aforesaid*, That if any Person so removed or transported as aforesaid, shall return into this State, or from the Place of his or her legal Settlement, to the City or Town from whence he or she was so removed or transported as aforesaid, so as to be likely to become a Burthen to such City or Town aforesaid, such Person so returning, shall, by Warrant from any two Justices of the Peace of such City, or of such County in which such Town shall lie, be apprehended and retransported as aforesaid; and shall, by every Constable into whose Charge such Person shall come, if the Justices so removing him or her shall think proper and so direct, be whipped; if a Man, not exceeding Thirty-nine Lashes, and if a Woman, not exceeding Twenty-five Lashes; and so, as often as he or she shall return after such Transportation.

What is to be done with any Person who has been removed, and shall return again.

XI. *And be it further Enacted by the Authority aforesaid*, That if any Person be removed by Virtue of this Act, from one City or Town to another within this State, by Warrant under the Hands and Seals of any two Justices of the Peace as aforesaid, the Overseers of the Poor of the City or Town to which the said Person shall be so removed, are hereby required to receive the said Person; and if they or any of them shall refuse or neglect so to do, the Overseer or Overseers so refusing or neglecting, shall, if thereof convicted by the Oath of two Witnesses, forfeit and pay, for each Offence, the Sum of *Ten Pounds*, to the Use of the Poor of the City or Town from which the said Person was so removed; to be recovered, with Costs of Suit, in any Court having Cognizance thereof, by the Overseers of the Poor of such City or Town from which such Person was so removed as aforesaid.

Overseers of one Town refusing to receive a Person sent by Warrant from another Town, to forfeit 10l.

XII. *Provided always, and be it further Enacted by the Authority aforesaid*, That no Person or Persons, his, her or their Child or Children, shall acquire or gain a Settlement in the City or Town to which he, she or they shall be so removed by Virtue of this Act; but his, her or their Settlement shall be and remain in the same Place where it was before such Removal; any Thing in this Act to the contrary notwithstanding.

No Person to gain a Settlement by any such Removal.

XIII. And *whereas* many poor Persons resident in this State, cannot find Employment in the City or Town where they are legally settled, and are not able to give Security that they and their Families shall not become chargeable to any other City or Town where they can find Employ: For Remedy whereof, *Be it further Enacted by the Authority aforesaid*, That if any Person or Persons, who shall think proper to remove out of any one City or Town within this State, into any other, there to inhabit or reside, and shall at the same Time procure, bring and deliver to the Overseers of the Poor of the City or Town where he, she or they shall so come to inhabit or reside, or to any one of them, a Certificate under the Hands and Seals of the Overseers of the Poor, or of any two of them, of the City or Town of his, her or their last legal Settlement, attested by two or more credible Witnesses, thereby owning or acknowledging the Person or Persons mentioned in such Certificate, to be an Inhabitant or Inhabitants legally settled in the City or Town mentioned in such Certificate as aforesaid, which Certificate shall be either acknowledged by the Overseers of the Poor giving the same, or shall be duly proved by the Witnesses who shall have attested the Execution thereof, or one of them, before any Justice of the Peace of the City, or of the County wherein the Town from whence any such Certificate shall come,

Poor Persons who cannot find Employ in their own Town, may remove to any other upon producing a Certificate from their own Town, acknowledging them as Inhabitants.

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ſhall lie, and ſhall be approved of and ſubſcribed by ſuch Juſtice of the Peace; then, and in ſuch Caſe, it ſhall and may be lawful for every ſuch Perſon, with his or her Family, (if he or ſhe have any) upon the Delivery of ſuch Certificate as aforeſaid, to continue, abide and remain in any ſuch City or Town to which he, ſhe or they ſhall remove as aforeſaid, and to follow any honeſt Employment within the ſame; and the Overſeers of the Poor ſhall deliver every ſuch Certificate, to the Town-Clerk of the City or Town in which any ſuch Perſon or Perſons ſhall come to reſide as aforeſaid, who is hereby required to file and record the ſame. *And further*, That every ſuch Certificate ſo acknowledged or proved and allowed as aforeſaid, ſhall be deemed, taken and allowed, in all Courts whatſoever within this State, as duly and fully proved; and ſhall be taken and received as Evidence, without any other Proof thereof.

Such Certificate to be filed with the Town Clerk, and allowed as Evidence in all Courts.

XIV. *And be it further Enacted by the Authority aforeſaid*, That whenever any Perſon, with his or her Family (if he or ſhe have any) or any Part thereof, ſo remaining by Virtue of the Certificate or Certificates aforeſaid, ſhall become chargeable, or be obliged by Sickneſs or otherwiſe, to aſk Relief of the City or Town into which he, ſhe or they were received as aforeſaid, that then, and not before, it ſhall and may be lawful for any two Juſtices of the Peace of the City or County into which ſuch Perſon or Perſons were received by Virtue of ſuch Certificate as aforeſaid, to remove and convey all and every ſuch Perſon or Perſons, with all and every of his or her Family, and his or her Children, though born in ſuch City or Town, and his or her Servants and Apprentices, not having otherwiſe acquired a legal Settlement there, to the City or Town from which ſuch Certificate was brought as aforeſaid; the Overſeers of the Poor of which City or Town are in ſuch Caſe hereby required and obliged to receive and provide for every ſuch Perſon and his or her Family as aforeſaid.

Any Perſon having ſuch Certificate and becoming a Charge to the Town to which he removed, may be ſent back to the Place from which he brought ſuch Certificate.

XV. *And be it further Enacted by the Authority aforeſaid*, That no Perſon who ſhall come to reſide in any City or Town, by Virtue of any ſuch Certificate as aforeſaid, ſhall be deemed or adjudged by any Act whatſoever of him or her, to have gained a legal Settlement in ſuch City or Town during the Time he or ſhe ſhall reſide there by Virtue of ſuch Certificate, unleſs he or ſhe ſhall, really and *bona Fide*, purchaſe a Freehold of the Value of *Thirty Pounds* or upwards, or, really and *bona Fide*, have rented and occupied a Tenement of the yearly Value of *Twelve Pounds* or upwards, for two whole Years, or ſhall have executed a public annual Office or Charge in ſuch City or Town, for one whole Year as aforeſaid.

No Perſon removing into any Town, by Virtue of ſuch Certificate, ſhall gain a Settlement there by any Act but purchaſing a Freehold, renting a Tenement or executing an Office.

XVI. *And be it further Enacted by the Authority aforeſaid*, That when any Perſon or Perſons, or their Families, reſiding in any City or Town, or ſent thither by Certificate, and becoming chargeable as aforeſaid, ſhall be removed back to the City or Town to which ſuch Perſon or Perſons ſhall belong, the Overſeers of the Poor ſhall be reimburſed ſuch reaſonable Charges as he or they may have been put unto, in maintaining and removing ſuch Perſon or Perſons, by the Overſeers of the Poor of the City or Town to which ſuch Perſon or Perſons is, are or ſhall be removed; the ſaid Charges having been firſt aſcertained and allowed by two or more of the Juſtices of the Peace of the City, or of the County, in which ſuch Town from which ſuch Removal ſhall be made, ſhall lie: Which ſaid Charges, ſo aſcertained and allowed, ſhall, in caſe of Refuſal of Payment, be levied by Diſtreſs and Sale of the Goods and Chattels of the Overſeers of the Poor of the City or Town to which ſuch Certificate Perſon or Perſons ſhall be removed as aforeſaid, by Warrant or Warrants, under the Hands and Seals of any two Juſtices of the Peace of the City or County where the Overſeers of the Poor ſhall reſide, (who

When any Perſon having ſuch Certificate is ſent back, the Overſeers of the Poor to be reimburſed their Charges.

How ſuch Charges to be aſcertained.

Such Charges, on Refuſal of Payment, to be levied on the Goods of the Overſeers of the Poor of the Town to which he is ſent back.

(who are hereby authorized and required to iſſue the ſame) directed to ſome Conſtable of ſuch City or Town; returning the Overplus, if any there be, after deducting all lawful Coſts and Charges of ſuch Sale.

XVII. AND *whereas* it often happens that poor Perſons having a Reſidence in one City or Town, remove from thence into another City or Town within this State, without ſuch Certificate as aforeſaid, and there become ſick, lame, or otherwiſe ſo infirm that they cannot be removed, and ſometimes die before they can be legally ſent back, whereby the Inhabitants of ſuch City or Town where ſuch poor Perſons become ſick, lame or die, are put to Charge and Expence in the Maintenance or Burying ſuch poor Perſons: *And whereas* it is juſt and reaſonable that ſuch Charges and Expences ſhould be repaid, Therefore, *Be it further Enacted by the Authority aforeſaid*, That if any poor Perſon ſhall remove, or come out of any City or Town where he or ſhe is or ſhall be legally ſettled, into any other City or Town within this State, and ſhall be taken ſick or lame, ſo that he or ſhe cannot be conveniently removed back to the Place of his or her laſt legal Settlement, then the Overſeers of the Poor of ſuch City or Town into which ſuch poor Perſon ſhall ſo come as aforeſaid, or one of them, ſhall give Notice in Writing, to the Overſeers of the Poor of the City or Town out of which ſuch poor Perſon ſhall have come as aforeſaid, of the Name, Condition and Circumſtances of ſuch poor Perſon, and requeſt ſuch Overſeers of the Poor, or one of them, to take Care of, relieve and maintain ſuch ſick or lame poor Perſon, during his or her Illneſs; and alſo to provide for his or her Funeral, if he or ſhe ſhould die there; and if ſuch Overſeer or Overſeers of the Poor, having Notice as aforeſaid, ſhall neglect or refuſe ſo to do, then, and in ſuch Caſe, it ſhall be lawful for any two Juſtices of the Peace of the City, or of the County in which ſuch Town ſhall lie, where ſuch poor Perſon had his or her laſt legal Place of Settlement, upon Complaint made to them, to cauſe all ſuch Sum and Sums of Money as ſhall be neceſſarily expended in the Maintenance of ſuch poor Perſon, in his or her Sickneſs or Lameneſs, or on his or her Funeral, to be levied by Diſtreſs and Sale of the Goods and Chattels of the ſaid Overſeer or Overſeers of the Poor, ſo neglecting or refuſing to take Care of and provide for ſuch poor Perſon as aforeſaid, after ſuch Notice given to him or them as aforeſaid, by Warrant or Warrants under the Hands and Seals of ſuch Juſtices (who are hereby authorized and required to iſſue the ſame) directed to ſome Conſtable of the City or Town where ſuch Overſeer or Overſeers of the Poor ſhall reſide; returning the Overplus, if any there be, after deducting all lawful Coſts and Charges of ſuch Sale as aforeſaid: And ſuch Sum or Sums of Money ſo recovered, ſhall be paid to the Overſeers of the Poor, or to one of them, of ſuch City or Town where ſuch poor Perſon ſhall be ſick, lame or die, as aforeſaid.

If any poor Perſon removing from his own Town, becomes unable to be ſent back by Sickneſs, Overſeers of the Poor of the Town where he is, to notify the Overſeers of his own Town, who ſhall provide for his Maintenance, and Funeral if he dies:

And on Refuſal to provide as aforeſaid, Amount of Expences to be levied on the Goods and Chattels of ſuch Overſeers.

XVIII. *Provided always, and be it further Enacted by the Authority aforeſaid*, That all and every Perſon and Perſons who ſhall think himſelf, herſelf or themſelves aggrieved by any Judgment or Order of any Juſtice or Juſtices of the Peace, or by any Warrant of Removal of any poor Perſon, may appeal to the next General Seſſions of the Peace, to be holden in and for ſuch City, or in and for the County in which ſuch City or Town ſhall lie, where ſuch Judgment or Order ſhall be made, or from which ſuch poor Perſon ſhall be removed as aforeſaid, who are hereby authorized and required to hear and determine ſuch Appeals, and to do Juſtice therein, according to the Merits of the reſpective Caſes. *And further*, That no Juſtice of the Peace, who ſhall reſide in any City or Town where any Diſpute ſhall happen (except in the City and County of *New-York*), ſhall ſit in Court upon ſuch Appeal.

Any Perſon thinking himſelf aggrieved by the Juſtices Proceedings, may appeal to the next Seſſions of the Peace.

XIX. *And*

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Juſtices determining ſuch Appeal in the City of *New-York*, to ſtate the Caſe ſpecially, that the Party may have Remedy in the Supreme Court.

XIX. *And be it further Enacted by the Authority aforeſaid*, That on every Appeal to be made to the Court of General Seſſions of the Peace, to be holden in and for the City and County of *New-York*, the Juſtices who ſhall determine ſuch Appeal, ſhall, upon Requeſt, ſtate the Caſe ſpecially, particularly and at large, that all and every Perſon or Perſons who ſhall think himſelf, herſelf or themſelves aggrieved by the Determination on ſuch Appeal, may have Remedy thereupon in the Supreme Court.

No Appeal to be proceeded upon without Notice in writing, to the Party affected thereby.

XX. *And be it further Enacted by the Authority aforeſaid*, That no Appeal or Appeals, from any Judgment or Order whatſoever of any Juſtice or Juſtices of the Peace, or from any Order of Removal of any poor Perſon or Perſons whatſoever, from one City or Town to another, ſhall be proceeded upon, in any Court of General Seſſions of the Peace, unleſs reaſonable Notice in writing be given by the Overſeers of the Poor of the City or Town or the Perſon or Perſons who ſhall make ſuch Appeal unto the Overſeers of the Poor, or one of them, of ſuch City or Town as ſhall be affected by ſuch Judgment or Order, or from which ſuch poor Perſon ſhall be removed; the reaſonableneſs of which Notice to be determined by the Juſtices of ſuch General Seſſions of the Peace, to which the Appeal is made; and if it ſhall appear to them that reaſonable Time of Notice was not given, then they ſhall adjourn ſuch Appeal to the next General Seſſions of the Peace, and then and there finally hear and determine the ſame.

On Appeals concerning Removals, the Juſtices, if they determine in Favor of the Appellant, that the Perſon was unduly removed, ſhall award to the Appellant as much Money, beſides his Coſts and Charges, as has been expended for the Relief of ſuch Perſon.

And upon every ſuch Appeal to award reaſonable Coſts to the Party in whoſe Favour the Appeal ſhall be determined.

XXI. AND for the preventing vexatious Removals and frivolous Appeals, *Be it further Enacted by the Authority aforeſaid*, That if the Juſtices ſhall, at their General Seſſions of the Peace, to be holden in and for any City or County within this State, upon any Appeal before them there to be had and proſecuted, for and concerning the Settlement of any poor Perſon or Perſons, determine in Favour of the Appellant or Appellants, that ſuch poor Perſon or Perſons was or were unduly removed, that then the ſaid Juſtices ſhall, at the ſame General Seſſions, order and award, to ſuch Appellant or Appellants, ſo much Money (beſides his or their Coſts and Charges) as ſhall appear to the ſaid Juſtices to have been reaſonably paid and expended by the Overſeers of the Poor of the City or Town on whoſe Behalf ſuch Appeal was made, for or towards the Relief of ſuch poor Perſon or Perſons, between the Time of ſuch undue Removal and the Determination of ſuch Appeal. *And further*, That upon every Appeal before them there to be had, for or concerning any Judgment or Order of any Juſtice or Juſtices, for and concerning the Settlement of any poor Perſon, or upon any Proof before them there to be had of Notice of any ſuch Appeal to have been given, by the Overſeers of the Poor of one City or Town, or by any other Perſon or Perſons, to the Overſeers of the Poor of another City or Town, or to any other Perſon or Perſons, though he, ſhe or they did not afterwards proſecute ſuch Appeal, the Juſtices at the ſame General Seſſions of the Peace, ſhall award and order to the Party for whom and in whoſe Favour ſuch Appeal ſhall be determined, or to whom ſuch Notice did appear to have been given as aforeſaid, ſuch Coſts and Charges in the Law, as by the ſaid Juſtices, in their Diſcretion, ſhall be thought reaſonable and juſt, to be paid by the Overſeers of the Poor of the City or Town, or other Perſon or Perſons againſt whom ſuch Appeal ſhall be determined, or who gave Notice of ſuch Appeal as aforeſaid, and did not proſecute the ſame. *And further*, If in any of the Caſes aforeſaid, the Perſon or Perſons ordered to pay ſuch Monies and Coſts, and Charges aforeſaid, ſhall reſide in any City or County out of the Juriſdiction of ſuch Court of General Seſſions of the Peace, it ſhall and may be lawful for the Overſeers of the Poor, to whom ſuch Monies were, by order of ſuch Court of General Seſſions of the Peace, directed to be paid, to ſue for and recover the ſame Monies againſt the Perſon or Perſons againſt whom ſuch Award or Order was made, with

How ſuch Money, Coſts and Charges, ſhall be recovered when the Party ordered to pay the ſame reſides out of the Juriſdiction of the Court.

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Coſts of Suit, in an Action for Monies had and received to the Plaintiffs Uſe, in any Court in this State having Cognizance thereof, where the Perſon or Perſons againſt whom ſuch Determination ſhall be given as aforeſaid, ſhall reſide; in which Action a true Copy of the Award and Order of ſuch Juſtices in their Court of General Seſſions of the Peace, ſigned by the Clerk and ſealed with the Seal of the ſame Court, when produced, ſhall be ſufficient Evidence for the Recovery of ſuch Sum or Sums of Money ſo awarded and ordered to be paid as aforeſaid.

Father and Grandfather, Mother and Grandmother, Child and Grandchild, of any poor Perſon, to maintain him as the Juſtices ſhall direct, on Pain of forfeiting *Ten Shillings* per Week.

XXII. *And be it further Enacted by the Authority aforeſaid*, That the Father and Grandfather, Mother and Grandmother (being of ſufficient Ability) of any poor, blind, lame or decrepid Perſon or Perſons whomſoever, not being able to maintain himſelf or herſelf, and becoming chargeable to any City or Town within this State, and the Children and Grandchildren (being of ſufficient Ability) of every poor, old, blind, lame or impotent Perſon, not being able to maintain himſelf or herſelf, and becoming chargeable as aforeſaid, ſhall ſeverally and reſpectively, at his, her or their Charges and Expences, relieve and maintain every ſuch poor Perſon as aforeſaid, in ſuch Manner as the Juſtices of the Peace of the City or County where ſuch ſufficient Perſon ſhall dwell, at their General Seſſions of the Peace, ſhall order and direct, on pain of forfeiting and paying *Ten Shillings* for each Perſon ſo ordered to be relieved, for every Week he, ſhe or they ſhall fail therein; to be ſued for and recovered with Coſts of Suit, by the Overſeers of the Poor of the City or Town to which ſuch poor Perſon or Perſons ſhall be chargeable, for the Uſe of the Poor of ſuch City or Town, in the Manner herein before directed with Reſpect to Coſts and Charges upon an Appeal.

When any Perſon runs away, leaving a Wife or Child chargeable to the Town, the Overſeers of the Poor, by Warrant of two Juſtices of the Peace, may ſeize the Goods, and let out the Lands of ſuch Perſon for Maintenance of ſuch Wife or Child.

XXIII. AND *whereas* it ſometimes happens that Perſons run-away or abſcond from their Places of Abode and legal Settlement, and leave their Wives and Families a Charge to the City or Town in which they are ſettled, although ſuch Perſons have ſome Eſtate, real or perſonal, whereby ſuch City or Town might be eaſed in Whole or in Part; Therefore, *Be it further Enacted by the Authority aforeſaid*, That it ſhall and may be lawful for the Overſeers of the Poor of any City or Town within this State, where any Father or Huſband ſhall run-away or abſent himſelf from his Wife or Children, or where any Widow ſhall run-away or abſent herſelf from her Child or Children, and leave him, her or them, a Charge to ſuch City or Town, to apply to any two Juſtices of the Peace of the City or County where ſuch Eſtate, real or perſonal, or any Part thereof, may be, and by Warrant under the Hands and Seals of the ſaid two Juſtices, who are hereby authorized and required to iſſue the ſame, to take and ſeize the Goods and Chattels, and to let out and receive the annual Rents and Profits of the Lands and Tenements of ſuch Father, Huſband or Mother, ſo abſconding as aforeſaid, for and towards the Maintaining, bringing-up and providing for ſuch Wife, Child, or Children ſo left as aforeſaid; and ſo ſoon as the ſaid Seizure ſhall be allowed of and confirmed by the Juſtices in their General Seſſions of the Peace, it ſhall and may be lawful for the ſaid Overſeers of the Poor, or any two of them, from Time to Time, and as often as the Caſe may require, to ſell and diſpoſe of ſo much and ſo many of the ſaid Goods and Chattels at public Vendue, to the higheſt Bidder, and to receive the ſaid Rents and Profits, or ſo much thereof as ſhall be ordered by the ſaid Seſſions, and to apply the Money ariſing thereby towards the Maintenance of ſuch poor Family or Perſon ſo left as aforeſaid. *And further*, That the ſaid Overſeers of the Poor ſhall be accountable to the Juſtices of the Peace in their ſaid General Seſſions, for all ſuch Monies as ſhall or may ariſe by every ſuch Sale or Sales, or to be received by them for the Rents and Profits of ſuch Lands and Tenements.

And when ſuch Seizure is confirmed by the Seſſions, the Overſeers may ſell the Goods and receive the Rents, and apply the Money for Maintenance of ſuch Family or Perſon ſo left.

Overſeers to be accountable to the Court.

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Inhabitants of each Town at their annual Town-Meetings to determine what Sum ſhall be raiſed for the Support of their poor.

XXIV. *And be it further Enacted by the Authority aforeſaid*, That the Majority of the Freeholders and Inhabitants who ſhall be aſſembled at the annual Town Meetings in each reſpective Town in the ſeveral Counties of this State, ſhall and may determine and agree upon ſuch Sum and Sums of Money as they may think proper for the Purpoſe of maintaining and ſupporting the aged and other Poor, in their reſpective Towns in the enſuing Year; of which Sum or Sums of Money, ſo agreed upon to be raiſed, each reſpective Town-Clerk ſhall make full and proper Entries in the Town Book by him to be kept, and ſhall, as ſoon as conveniently may be, deliver a true Copy of ſuch Entry, certified under his Hand, to the Superviſor of the ſaid Town; and the ſaid Superviſor is hereby required to lay the ſame before the Superviſors of the County, at their then next Meeting, in order that the ſaid Sum may be raiſed in ſuch Town, for the Support and Maintenance of the Poor thereof.

The Town-Clerk to make an Entry thereof in the Town-Book and deliver a Copy to the Superviſor of the Town that he may lay the ſame before the Superviſors of the County.

Common Council of the Cities of *Albany* and *Hudſon*, yearly to determine what Sum ſhall be raiſed to ſupport their poor.

XXV. *And be it further Enacted by the Authority aforeſaid*, That it ſhall and may be lawful, to and for the Mayor, Aldermen and Commonalty of the Cities of *Albany* and *Hudſon*, reſpectively, in Common Council convened, yearly and every Year, to determine and agree upon ſuch Sum and Sums of Money as they may reſpectively think proper for the Purpoſe of maintaining and ſupporting the aged and other Poor in the ſaid Cities reſpectively, in the enſuing Year; of which reſpective Sums of Money ſo agreed upon to be raiſed, the Town-Clerk of each of the ſaid Cities reſpectively, ſhall make a full and proper Entry in the Minutes of the ſaid Common Council, and ſhall, as ſoon as conveniently may be, deliver a true Copy of ſuch Entry, certified under his Hand, to a Superviſor of ſuch reſpective City; who is hereby required to lay the ſame before the Superviſors of the County, at their then next Meeting, in order that the ſaid Sum may be raiſed in ſuch reſpective City, for the Support and Maintenance of the Poor thereof.

Clerk to make an Entry thereof and deliver a Copy to a Superviſor of the City.

Duty of the Overſeers when any poor Perſon applies for Relief.

XXVI. *And be it further Enacted by the Authority aforeſaid*, That when, and as often as any poor Perſon belonging to any City or Town within this State, ſhall apply for Relief, to any Overſeer or Overſeers of the Poor of ſuch City or Town, the ſaid Overſeer or Overſeers of the Poor ſhall make Application to a Juſtice of the Peace of ſuch City, or of the County in which ſuch Town ſhall lie; which ſaid Juſtice and Overſeer or Overſeers of the Poor, ſhall enquire into the State and Circumſtances of the Perſon ſo applying as aforeſaid; and if it ſhall appear to the ſaid Juſtice and Overſeer or Overſeers of the Poor, that ſuch Perſon is in ſuch indigent Circumſtances as to require Relief, then the ſaid Juſtice ſhall give an Order in Writing, to the ſaid Overſeer or Overſeers of the Poor, to make ſuch Allowance weekly or otherwiſe, to every ſuch poor Perſon, as they in their Diſcretion ſhall think his or her Neceſſities ſhall or may require: And the ſaid Overſeer or Overſeers of the Poor, ſhall make no other or further Allowance to ſuch poor Perſon than what by the ſaid Order ſhall be directed; which ſaid Order ſhall be a ſufficient Voucher for the Payment of ſo much Money by the ſaid Overſeer or Overſeers of the Poor, and ſhall be allowed in adjuſting his or their Accounts.

Names of Perſons relieved, to be regiſtered in a Book, with the Time of Admittance, the Allowance ordered, and the Cauſe of their Neceſſity.

Overſeer making any Allowance without a proper Order to loſe the ſame.

XXVII. *And be it further Enacted by the Authority aforeſaid*, That the Overſeers of the Poor of each reſpective City or Town within this State, ſhall procure at the public Charge, a Book of good Paper and well bound, wherein the Names of all poor Perſons applying for Relief and being ordered to be relieved as aforeſaid, ſhall be regiſtered, with the Day and Year when they were firſt admitted to have Relief, the weekly or other Sum or Sums of Money allowed by the Order for their Relief, and the Cauſe of ſuch Neceſſity; and that no Perſon ſhall be entered into the Poor-Books, or

receive

receive Relief from the Overſeers of the Poor, or any of them, without ſuch Order procured as aforeſaid: And in caſe any Overſeer or Overſeers of the Poor ſhall enter into the Poor-Books, and relieve any ſuch poor Perſon or Perſons, without ſuch Order, he or they ſhall forfeit and loſe all ſuch Money and Goods paid and diſtributed to ſuch poor Perſon or Perſons; nor ſhall any Allowance be made to him or them for the ſame, in paſſing his or their Account or Accounts; and the ſaid Overſeers of the Poor, are hereby directed and required to enter, or to cauſe to be entered in the ſaid Poor-Books, all Monies received, laid out and diſburſed by them reſpectively for the Uſe of the Poor, and alſo all Matters and Things which ſhall be tranſacted by them relating to their ſaid Office. And the Overſeers of the Poor for the Cities of *Albany* and *Hudſon*, reſpectively, ſhall yearly, once in every Year, lay ſuch Books of Accounts before the Common Council of the ſaid Cities reſpectively, at ſuch Times as the ſaid reſpective Common Councils ſhall direct. And the Overſeers of the Poor of every Town, ſhall yearly and every Year, on the laſt Tueſday in *March*, lay their ſaid Books of Accounts before the Town-Clerk and Superviſor of ſuch Town, and ſuch Juſtice or Juſtices of the Peace as may reſide in ſuch Town, or the major Part of them, for their Examination, who ſhall examine and audit the ſame, and make Report thereof to the Freeholders and Inhabitants of their reſpective Towns, at their next annual Town-Meeting, that ſuch further Proviſion for the Maintenance and Support of the Poor may be made, as may be found neceſſary.

Overſeers to enter in the Poor-Books all Monies received and laid out for the Uſe of the Poor, and all Matters relating to their Offices.

Overſeers of the Poor of the Cities of *Albany* and *Hudſon*, to lay their Accounts before the Common Council yearly.

Overſeers of the Poor of every Town, yearly on the laſt Tueſday in *March*, to lay their Books of Accounts before the Town-Clerk, Superviſors and Juſtices, who are to report to the next Town-Meeting.

XXVIII. *And be it further Enacted by the Authority aforeſaid*, That in all Indentures and Contracts to be made by any Overſeers of the Poor of any City or Town, by and with the Conſent of the Juſtices of the Peace of the County, or any two of them, or by and with the Conſent of the Mayor, Recorder and Aldermen, or any two of them, in any City, for binding or putting out any Child as an Apprentice or Servant, ſhall, among the Covenants in ſuch Indentures or Contracts to be made and agreed upon between the Parties, always inſert a Clauſe to the following Effect, *That every Maſter and Miſtreſs to whom ſuch Child ſhall be bound as aforeſaid, ſhall cauſe ſuch Child to be taught and inſtructed to read and write.* *And further*, That the Overſeers of the Poor for the Time being, of each reſpective City and Town, ſhall be the Guardians of every ſuch Child ſo put and bound out as aforeſaid, to take care that the Terms of the Indentures or Contract, and the Covenants and Agreements therein contained be performed and fulfilled, and that ſuch Child be not ill uſed; and the ſaid Overſeers of the Poor are hereby empowered and directed to enquire into the ſame, and to redreſs any Grievance or Grievances, in ſuch Manner as is preſcribed by Law.

In all Contracts by Overſeers of the Poor for binding out Children, a Clauſe to be inſerted that the Maſter ſhall cauſe ſuch Child to be taught to read and write.

Overſeers of the Poor to be Guardians of ſuch Children.

XXIX. And for the greater Eaſe of the Public in Relief of the Poor, *Be it further Enacted by the Authority aforeſaid*, That it ſhall and may be lawful for the Overſeers of the Poor of the Cities of *Albany* and *Hudſon*, by and with the Conſent of the Common Council of the ſame Cities reſpectively, and for the Overſeers of the Poor of any Town within this State, and any two or more Juſtices of the Peace of the County in which ſuch Town ſhall lie, with the Conſent and Approbation of the major Part of the Freeholders and Inhabitants of ſuch Town, to be ſignified at ſuch annual Town-Meeting as aforeſaid, and at the proper Charge of ſuch City or Town, to be aſcertained, aſſeſſed and levied as aforeſaid, to build, purchaſe or hire, ſome fit and convenient Dwelling Houſe or Houſes in ſuch City or Town, for the Lodging and Accommodation of the Poor thereof; and alſo to purchaſe neceſſary Materials for ſetting ſuch poor Perſons to Work, and there to keep, maintain and employ all and every ſuch poor Perſon, and to take the Benefit of the Work, Labour and Services of any ſuch poor Perſon who ſhall be kept and maintained in

Overſeers of the Poor, with the Conſent of their Towns, to build, purchaſe, or hire Houſes for the Accommodation of the Poor;

And to purchaſe Materials for ſetting the Poor to work; to appoint Keepers, and no Perſon refuſing to be kept in ſuch Houſes, entitled to Relief.

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in any ſuch Houſe, for the better Maintenance and Relief of ſuch poor Perſons, who ſhall be there kept and maintained, and thereof to appoint ſuch Perſon or Perſons as Keeper or Keepers, from Time to Time, as they ſhall think proper; and in caſe any poor Perſon, claiming Relief of any City or Town within this State, where ſuch Houſe or Houſes ſhall be ſo built, purchaſed or hired, ſhall refuſe to be lodged, kept to work and maintained, in ſuch Houſe or Houſes, ſuch poor Perſon or Perſons ſo refuſing, ſhall be put out of the Book in which the Names of the Poor are by this Act directed to be regiſtered, and ſhall not be entitled to aſk or receive any Relief from the Overſeers of the Poor of any ſuch City or Town. *And further*, That where any Town may be too ſmall to build, purchaſe or hire ſuch Houſe or Houſes as aforeſaid, it ſhall be lawful for the Overſeers of the Poor and Juſtices of the Peace, with the Conſent and Approbation of the major Part of the Freeholders and Inhabitants of two or more Towns within any County in this State, to be ſignified at ſuch annual Town-Meetings as aforeſaid, to join together and unite in building, purchaſing or hiring ſuch Houſe or Houſes, for the lodging, keeping and maintaining of the Poor of ſuch Towns, ſo joining together, and uniting; and alſo to purchaſe neceſſary Materials for ſetting ſuch poor Perſons to Work, and there to keep, maintain and employ all and every ſuch poor Perſon, and to take the Benefit of the Work, Labour and Services of any ſuch poor Perſon, who ſhall be kept and maintained in any ſuch Houſe for the better Maintenance and Relief of the Poor there to be kept, maintained and employed; and thereof to appoint ſuch Perſon or Perſons as Keeper or Keepers from Time to Time, as they ſhall think proper; and in Caſe any poor Perſon or Perſons claiming Relief of any ſuch united Towns as aforeſaid, ſhall refuſe to be lodged, kept to Work, and maintained in the Houſe or Houſes ſo to be built, purchaſed or hired for ſuch united Towns as aforeſaid, ſuch poor Perſon or Perſons ſo refuſing ſhall be put out of the Book in which the Names of the Poor are, by this Act, directed to be regiſtered as aforeſaid, and ſhall not be entitled to aſk or receive any Relief from the Overſeers of the Poor of any ſuch Town. *And further*, That it ſhall and may be lawful for the Overſeers of the Poor and Juſtices of any Town within this State, with the Conſent and Approbation of the major Part of the Freeholders and Inhabitants of ſuch Town where ſuch Houſe or Houſes ſhall be built, purchaſed or hired for the Purpoſes aforeſaid, to be ſignified at ſuch annual Town-Meeting as aforeſaid, to contract with the Overſeers of the Poor and Juſtices of any other Town, for the lodging, maintaining and employing of any poor Perſon or Perſons belonging to ſuch other Town, as to them ſhall ſeem meet. And in Caſe any ſuch poor Perſon or Perſons belonging to any other Town, ſhall refuſe to be lodged, maintained and employed in ſuch Houſe or Houſes ſo contracted for as aforeſaid, ſuch poor Perſon or Perſons ſo refuſing, ſhall be put out of the Book in which the Names of the Poor are, by this Act, directed to be regiſtered as aforeſaid, and ſhall not be entitled to aſk or receive any Relief from the Overſeers of the Poor of any ſuch Town.

Any two Towns may join together in building, purchaſing or hiring ſuch Houſe, purchaſing Materials, &c.

Overſeers of the Poor of any Town where ſuchHouſe is provided may contract with the Overſeers of any other Town for the maintaining and lodging their Poor;

And no poor Perſon refuſing to be ſo maintained and lodged in ſuch Houſe, entitled to Relief.

XXX. *And be it further Enacted by the Authority aforeſaid*, That the Overſeers of the Poor of each reſpective City and Town in this State, ſhall, annually, within *fifteen* Days after the Termination of their reſpective Offices, exhibit to the ſucceeding Overſeers of the Poor of ſuch City or Town, a particular, full, juſt and true Account, of all the Monies by them reſpectively received and expended for the Uſe of the Poor, and from whom, to whom, and in what Manner, and for what Uſe or Uſes, together with an Account of the Earnings of the poor Perſons by them employed; which Accounts the ſaid Overſeers of the Poor for the Time being, together with the Superviſor or Superviſors of ſuch City or Town, and Juſtices of the Peace reſiding in ſuch City or Town, or the major Part of them, ſhall, as ſoon as conveniently

Overſeers yearly to deliver an exact Account of Monies received and expended to their Succeſſors, who, with the Superviſor and Juſtices ſhall examine and audit ſuch Accounts.

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conveniently may be, examine and audit; and the ſaid Overſeers of the Poor ſo going out of Office, ſhall reſpectively, on auditing ſuch Account, pay all ſuch Balance and Sums of Money as ſhall appear to be in his or their Hands, or due from him or them to ſuch City or Town, to their Succeſſors in Office, to be applied and accounted for by them in the Courſe of the next Year, in the like Manner as is herein before preſcribed; and ſuch Overſeers of the Poor ſo going out of Office, ſhall, at the ſame Time of exhibiting their Accounts, deliver up to their Succeſſors in Office, all Books of Accounts, Regiſters, and other Papers relating to the Poor as aforeſaid; and if any Overſeer or Overſeers of the Poor ſhall refuſe or neglect to exhibit ſuch Account or Accounts as aforeſaid, and to pay to his or their Succeſſors in Office, ſuch Monies as ſhall remain in his or their Hands as aforeſaid, or to deliver up all ſuch Books of Accounts, Regiſters, and other Papers relating to the Poor as aforeſaid; every ſuch Overſeer of the Poor ſo neglecting or refuſing ſhall, for every ſuch Neglect or Refuſal, forfeit and pay the Sum of *One Hundred Pounds*, over and above the ſaid Balance remaining in his or their Hands, to be recovered with Coſts of Suit in any Court of Record within this State, by the Overſeers of the Poor of ſuch City or Town for the Time being, and when recovered to be applied to the Uſe of the Poor of ſuch City or Town; and if upon auditing ſuch Account there ſhall appear to be a Balance due to ſuch Overſeers of the Poor, ſo going out of Office as aforeſaid, or to either of them, the ſame ſhall be paid to him or them by their Succeſſors in Office, out of the firſt Monies which ſhall come into their Hands as Overſeers of the Poor of ſuch City or Town.

Overſeers going out of Office to pay the Balance to their Succeſſors;

And deliver to them all Books of Accounts, Regiſters and Papers relating to the Poor;

And for Neglect or Refuſal to forfeit 100l.

If a Balance is due to the Overſeers going out of Office, the Succeſſors to pay it.

XXXI. *And be it further Enacted by the Authority aforeſaid*, That it ſhall and may be lawful for the Overſeers of the Poor for the Time being, of each reſpective City and Town, to recover againſt their Predeceſſors in Office, and each of them, their Executors or Adminiſtrators, all ſuch Sums of Money as ſhall appear, upon ſuch Audit as aforeſaid, to be due from them reſpectively, to ſuch reſpective City or Town, in an Action for Monies had and received to the Uſe of ſuch City or Town, with Coſts of Suit, in any Court having Cognizance thereof; or to have and maintain an Action or Actions of Account againſt any former Overſeer or Overſeers of the Poor of ſuch City or Town, his or their Executors or Adminiſtrators: And no ſuch Action ſhall be abated or diſcontinued by the Death or Expiration of the Office of any ſuch Plaintiff or Plaintiffs, but ſhall and may be continued and proſecuted to effect, by the Survivor or Survivors of them, and their Succeſſors in Office; and ſuch Suit ſhall always be brought and proſecuted by, and in the Name of the Overſeers of the Poor of ſuch City or Town for the Time being.

Overſeers to recover from their Predeceſſors in Office or any of them, any Monies due by them to their Town.

Such Action not to abate by Death or Expiration of Office, but may be continued by the Survivors and Succeſſors.

XXXII. *And be it further Enacted by the Authority aforeſaid*, That every Maſter of any Ship or other Veſſel, who ſhall enter his Ship, or other Veſſel, in the Cuſtom-Houſe of this State in the City of *New-York*, ſhall, within Twenty-four Hours after his Arrival, make a Report in writing, on Oath, to the Mayor of the ſaid City, or in Caſe of his Sickneſs or Abſence, to the Recorder of the ſaid City for the Time being, of the Names and Occupations of every Perſon who ſhall be brought into Port, in his ſaid Ship, or other Veſſel; and in Caſe of Neglect the Maſter of ſuch Ship, or other Veſſel, ſhall forfeit the Sum of *Twenty Pounds* for every Perſon ſo neglected to be reported. *And further*, That if any Perſon, ſo neglected to be reported to the Mayor or Recorder of the ſaid City as aforeſaid, ſhall be a Foreigner, the Maſter of ſuch Ship, or other Veſſel, ſo neglecting to make Report as aforeſaid, ſhall forfeit the Sum of *Thirty Pounds* for every Foreigner ſo neglected to be reported. *And further*, That if any Houſeholder ſhall entertain in his or her Houſe or Family, any ſuch Foreigner, and not report the ſame

Maſters of Veſſels to report to the Mayor or Recorder, the Names and Occupations of all Perſons brought into Port in their Veſſels, or forfeit 20l. for every Perſon not reported, and 30l. for every Foreigner.

Every Houſeholder entertaining ſuch

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to the Mayor, or in Caſe of his Abſence or Sickneſs, to the Recorder of the ſaid City for the Time being, within Twenty-four Hours after he or ſhe ſhall receive ſuch Foreigner into his or her Houſe or Family, he or ſhe ſhall forfeit the Sum of *Five Pounds*; which ſaid reſpective Forfeitures, ſhall and may be recovered by Action of Debt, with Coſts of Suit, in any Court within this State, having Cognizance thereof, by any Perſon or Perſons who ſhall ſue and proſecute for the ſame to Effect; the one Half of which Forfeitures, when recovered, to be paid to the Treaſurer or Chamberlain of the ſaid City, for the Uſe of the Poor thereof, and the other Half to the Perſon or Perſons who ſhall ſue and proſecute for the ſame to Effect as aforeſaid.

Foreigner, without reporting the ſame within 24 Hours, to forfeit 5l.

How Forfeitures to be recovered & applied.

XXXIII. *And be it further Enacted by the Authority aforeſaid*, That if any Maſter of any Ship or other Veſſel ſhall bring or land within this State, any Perſon who cannot give a good Account of himſelf or herſelf, to the Mayor or Recorder of the ſaid City for the Time being, as aforeſaid, or who is like to be a Charge to the ſaid City, ſuch Maſter ſhall, within one Month, carry or ſend the Perſon ſo imported by him, back again to the Place from whence he or ſhe came, and ſhall for that Purpoſe enter into Bond to the Mayor, Aldermen and Commonalty of the City of *New-York*, with one or more Surety or Sureties, to be approved of by ſuch Mayor or Recorder, in the Sum of *One Hundred Pounds*, conditioned for the Purpoſes aforeſaid, or ſhall enter into Bond to the ſaid Mayor, Aldermen and Commonalty of the ſaid City, with one or more ſufficient Surety or Sureties, to be approved by ſuch Mayor or Recorder as aforeſaid, in the Sum of *One Hundred Pounds*, conditioned that the Perſon ſo imported ſhall not be or become a Charge to the ſaid City as aforeſaid, or any other City or Town in this State; and in Caſe ſuch Maſter of any Ship or other Veſſel ſhall refuſe to become bound as aforeſaid, it ſhall and may be lawful for ſuch Mayor or Recorder, by Waraant under his Hand and Seal, directed to any Conſtable of the ſaid City, to cauſe ſuch Perſon ſo refuſing, to be committed to the common Gaol of the ſaid City, there to remain until he ſhall conſent to become bound as aforeſaid; and ſuch Bond ſhall not be avoided by Plea of Dureſs.

Any Maſter of any Veſſel landing any Perſon who is likely to become a Charge, to ſend or carry him back again in one Month, or enter into Bond that he ſhall not become chargeable.

And in Caſe ſuch Maſter refuſes to become bound he ſhall be committed to Gaol.

XXXIV. *And be it further Enacted by the Authority aforeſaid*, That it ſhall and may be lawful for the Mayor, Aldermen and Commonalty of the City of *New-York*, in Common Council convened, to nominate and appoint, under the Common Seal of the ſaid City, *twelve, or more*, of the Freeholders and Inhabitants of the ſaid City, to be Overſeers of the Poor thereof, by the Name and Stile of, *The Commiſſioners of the Alms-Houſe and Bridewell of the City of* NEW-YORK; which ſaid Perſons, being ſo appointed, or the major Part of them, ſhall have the ſame Power and Authority of overſeeing and providing for the Poor of the ſaid City, and they, or any two of them, ſhall have the ſame Power and Authority for putting or binding out Apprentices and Servants in the ſaid City, and be ſubject to the ſame Duties and Penalties which the Overſeers of the Poor in the reſpective Towns in this State, have, or are ſubject to by this Act.

Common Council of *New-York* to appoint 12, or more, Commiſſioners of the Alms-Houſe and Bridewell;

Who ſhall have the Power of overſeeing and providing for the Poor of the City.

XXXV. *Provided always, and be it further Enacted by the Authority aforeſaid*, That all Monies to be raiſed and collected in the ſaid City for the Maintenance and Support of the Poor, and all Fines and Forfeitures to be incurred in the ſaid City by Virtue of this Act, and which by this Act are made payable to the Overſeers of the Poor, for the Uſe of the Poor of any City or Town, ſhall be paid into the Hands of the Treaſurer or Chamberlain of the ſaid City for the Time being, and ſhall be applied and diſpoſed of in ſuch Proportions, and from Time to Time as the Mayor, Aldermen and Commonalty of the ſame City, in Common Council convened, by Warrant under the

The Monies raiſed for the Support of the Poor of ſaid City, to be paid to the Chamberlain, and applied as the Common Council ſhall direct.

the Hand of the Mayor or Recorder of the ſaid City, preſiding in ſuch Common Council, ſhall direct and appoint; any Thing in this Act contained to the contrary notwithſtanding.

Common Council empowered to remove from Office any Perſon appointed a Commiſſioner, and to fill Vacancies; and to make Ordinances for Government of the Alms-Houſe and Bridewell.

XXXVI. *And be it further Enacted by the Authority aforeſaid*, That it ſhall and may be lawful for the Common Council of the ſaid City, to remove from Office any Perſon or Perſons ſo by them to be appointed as aforeſaid, for any neglect of Duty or Mal-conduct in Office; and alſo in Manner aforeſaid, from Time to Time, to fill all Vacancies which ſhall be occaſioned by ſuch Removal, or by Death or Reſignation; and alſo from Time to Time, to make and ordain ſuch Ordinances and Regulations as they ſhall think neceſſary for the better Government of the Alms-Houſe and Bridewell of the ſaid City, and the Keepers, Officers and Servants thereof.

Poor Perſons who are maintained by a whole County, to continue to be ſo maintained.

XXXVII. *And be it further Enacted by the Authority aforeſaid*, That in all Caſes where any of the preſent Poor in any County of this State are maintained by the whole County, or by more than one Town, ſuch poor Perſons ſhall continue to be ſo maintained; any Thing in this Act contained to the Contrary notwithſtanding.

† 3*d Seſſ. Ch.* 68. 7*th Seſſ. Ch.* 35.

All former Acts relating to the Settlement of the Poor repealed.

This Act, however, not to alter any Settlement already gained.

XXXVIII. *And be it further Enacted by the Authority aforeſaid*, That all former Acts and Laws of the late Colony of *New-York*, and of this State,† relating to the Settlement and Relief of the Poor, and every Matter, Article and Thing therein contained, be, and the ſame hereby are ſeverally repealed. *Provided always*, That if any Perſon hath by Virtue of any Act or Acts of the late Colony of *New-York*, or of this State, gained a Settlement in any City or Town in this State, ſuch Settlement ſhall not be altered by any Thing in this Act before contained. *Provided alſo*, That all and every Sum and Sums of Money heretofore directed to be raiſed for the Support of the Poor in any City or Town, ſhall be raiſed and collected in the ſame Manner as if this Act had not been made.

CHAP. LXIII.

An ACT *for dividing the State into Counties.*

Paſſed 7th March, 1788.

The State divided into *ſixteen* Counties.

Names of the Counties.

I. BE *it Enacted by the People of the State of* New-York, *repreſented in Senate and Aſſembly, and it is hereby Enacted by the Authority of the ſame*, That the State of *New-York* ſhall be, and hereby is divided into ſixteen Counties, to be called by the Names of *New-York*, *Albany*, *Suffolk*, *Queen's*, *King's*, *Richmond*, *Weſt-Cheſter*, *Orange*, *Ulſter*, *Dutcheſs*, *Columbia*, *Waſhington*, *Clinton*, *Montgomery*, *Cumberland* and *Glouceſter*.

Bounds of the Counties.

II. *And be it further Enacted by the Authority aforeſaid*, That the Bounds and Limits of the ſaid ſeveral Counties ſhall be as follows;

New-York.

THE County of *New-York* to contain the Iſlands called *Manhattan's-Iſland*, *Great Barn-Iſland*, *Little Barn-Iſland*, *Manning's-Iſland*, *Nutten-Iſland*, *Bedlow's-Iſland*, *Bucking-Iſland*, and the *Oyſter Iſlands*, and all the Land under the Water within the following Bounds; beginning at *Spyten-Duyvel* Creek where the ſame empties itſelf into *Hudſon's-River*, on the *Weſt-Cheſter* Side thereof, at Low-water Mark, wherever the ſame now is or hereafter may be, and ſo running along the ſaid Creek at Low-water Mark as aforeſaid on the *Weſt-Cheſter* Side thereof, unto the *Eaſt-River* or *Sound*, and from thence to croſs over to *Naſſau-Iſland*, to Low-water Mark there as aforeſaid, including *Great Barn-Iſland*, *Little Barn-Iſland*, and *Manning's-Iſland*, and from thence along

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along *Naſſau-Iſland* Shore, at Low-water Mark as aforeſaid, unto the South Side of the *Red-Hook*, and from thence acroſs the *North-River*, ſo as to include *Nutten-Iſland*, *Bedlow's-Iſland*, *Bucking-Iſland*, and the *Oyſter-Iſlands*, to Low-water Mark on the Weſt Side of *Hudſon's-River*, or ſo far as the Bounds of this State extend there, and ſo up along the Weſt Side of *Hudſon's-River*, at Low-water Mark, or along the Limits of this State, until it comes directly oppoſite the firſt mentioned Creek, and thence to the Place where the ſaid Boundaries firſt began.

Albany.

THE County of *Albany* to contain all that Part of this State, beginning at the moſt northerly End or Part of *Wanton-Iſland*, in *Hudſon's-River*, and running from thence to the Head of *Kaater's-Creek* or *Kill*, where the ſame iſſues out of the ſoutherly Side or End of a certain Lake or Pond, lying in the *Blue Mountains*; from thence to a ſmall Lake called *Utſayantho*, and thence North Twenty-five Degrees Eaſt, until it interſects a Weſt Line drawn from the North-weſt Corner of old *Schoharie* Patent, thence Eaſt to the North-eaſt Corner of the ſaid *Schoharie* Patent, thence to the North-weſt Corner of the Townſhip of *Duanesburg*, thence along the North Bounds thereof to the North-eaſt Corner of the ſame, thence on the ſame Courſe with the ſaid North Bounds of *Duanesburg* to the *Mohawk River*, thence North until it interſects a Weſt Line drawn from *Fort-George* near *Lake-George*, thence Eaſt to the Eaſt Side of the moſt eaſterly Branch of *Hudſon's-River*, thence down along the Middle of the ſaid Branch of *Hudſon's-River* to *Batten-Creek*, thence up along the Middle of the ſaid Creek until it interſects the South Bounds of a Patent called *Princetown*, thence along the ſame to the South-eaſt Corner thereof, thence Eaſt to the Weſt Bounds of the County of *Cumberland*, then ſoutherly along the ſame to the North Bounds of *Maſſachuſetts*, thence along the ſame weſterly and ſoutherly to the North Bounds of the County of *Columbia*, which is an Eaſt Line from the ſouthernmoſt Part of *Bearen-Iſland* in *Hudſon's-River*, and thence along the Bounds of the County of *Columbia* Weſt to *Hudſon's-River*, and thence continuing the ſame Courſe to the Middle of the River, and thence down the Middle of the River until it comes due Eaſt from the North End of *Wanton-Iſland* aforeſaid, and thence to the Place of beginning, including *Bearen-Iſland* aforeſaid.

Suffolk.

THE County of *Suffolk* to contain all that Part of this State bounded eaſterly and ſoutherly by the *Atlantic-Ocean*, northerly by the *Sound*, and weſterly by *Lloyd's-Neck* or *Queen's-Village*, *Cold-Spring Harbour* and the Eaſt Bounds of the Townſhip of *Oyſterbay*, and the ſame Line continued due South to the *Atlantic-Ocean*, including the *Iſle* of *Wight* now called *Gardiner's-Iſland*, *Fiſher's-Iſland*, *Shelter-Iſland*, *Plumb-Iſland*, *Robin's-Iſland*, and the *Gull-Iſlands*.

Queen's.

THE County of *Queen's* to contain all that Part of this State, bounded eaſterly by *Suffolk* County, ſoutherly by the *Atlantic-Ocean*, northerly by the *Sound*, and weſterly by the Weſt Bounds of the Townſhips of *Newtown* and *Jamaica*, including *Lloyd's-Neck* or *Queen's-Village*, and the Iſlands called the *Two-Brothers* and *Hallett's-Iſland*, and all Iſlands in the Sound oppoſite to the ſaid Bounds and ſouthward of the main Channel.

King's.

THE County of *King's* to contain all that Part of this State, bounded eaſterly by *Queen's* County, northerly by the County of *New-York*, weſterly partly by *Hudſon's-River* and partly by the Ocean, and ſoutherly by the *Atlantic-Ocean*, including *Coney-Iſland*.

Richmond.

THE County of *Richmond* to contain all *Staten-Iſland*, *Shooter's-Iſland*, and the Iſlands of Meadow on the Weſt Side thereof.

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THE County of *Westchester* to contain all that Part of this State, bounded southerly by the *Sound*, easterly by the State of *Connecticut*, northerly by the North Bounds of the Manor of *Courtland*, and the same Line continued East to the Bounds of *Connecticut*, and West to the Middle of *Hudson's-River*, and westerly by a Line running from thence down the Middle of *Hudson's-River* until it comes opposite to the Bounds of the State of *New-Jersey*, then West to the same, then southerly along the East Bounds of the State of *New-Jersey*, to the Line of the County of *New-York*, and then along the same, easterly and southerly to the *Sound*, or *East-River*, including *Captain's-Island*, and all the Islands in the *Sound* to the East of *Frog's-Neck*, and to the Northward of the main Channel.

Westchester.

THE County of *Orange* to contain all that Part of this State, bounded southerly by the State of *New-Jersey*, westerly by the State of *Pennsylvania*, easterly by the Middle of *Hudson's-River*, and northerly by an East and West Line from the Mouth of *Murderer's-Creek*.

Orange.

THE County of *Ulster* to contain all that Part of this State, bounded easterly by the Middle of *Hudson's-River*, southerly by the County of *Orange*, westerly by the State of *Pennsylvania*, and the West Branch of *Delaware-River*, and northerly by the County of *Albany*.

Ulster.

THE County of *Dutchess* to contain all that Part of this State, bounded easterly by the State of *Connecticut*, southerly by the County of *Westchester*, westerly partly by the County of *Orange*, and partly by the County of *Ulster*, and northerly by the Manor of *Livingston*, including the Whole of the *Oblong* to the Northward of the County of *Westchester*.

Dutchess.

THE County of *Columbia* to contain all that Part of this State, bounded southerly by the County of *Dutchess*, westerly by the Counties of *Ulster* and *Albany*, northerly by the County of *Albany*, and easterly by the County of *Dutchess* and the State of *Massachusetts*.

Columbia.

THE County of *Cumberland* to contain all that Part of this State, beginning on *Connecticut-River* at the North Bounds of the State of *Massachusetts*, and extending Westward along the same, until such Line shall meet with and be intersected by a Line proceeding on a Course, South ten Degrees West from the North-west Corner of a Tract of Land granted under the Great Seal of the late Colony of *New-York*, on the fourth Day of *September*, One Thousand Seven Hundred and Seventy, to *James Abeel* and nine other Persons, and extending from the said Point of Intersection, North ten Degrees East, until such Line shall meet with and be intersected by another Line, to be drawn on a Course North, sixty Degrees West from the South-west Corner of a Tract of Land granted under the Great Seal of the late Colony of *New-York*,, on the thirteenth Day of *November*, in the Year of our Lord One Thousand Seven Hundred and Sixty-nine, and erected into a Township by the Name of *Royalton;* and running from the last mentioned Point of Intersection, South Sixty-six Degrees East, to *Connecticut-River*, and so down along the same River to the Place of Beginning.

Cumberland.

THE County of *Gloucester* to contain all that Part of this State, bounded southerly by the North Bounds of the County of *Cumberland*, easterly by the East Bounds of this State, northerly by the North Bounds of this State, and westerly by a Line to be drawn from the North-west Corner of the said County of *Cumberland*, on a Course North ten Degrees East, until such Line shall meet with and be intersected by another Line, proceeding on an East Course from the South Bank of the Mouth of *Otter-Creek*, and from the said last mentioned Point of Intersection running North fifty Degrees East, to the North Bounds of this State.

Gloucester.

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Waſhington.

THE County of *Waſhington* to contain all that Part of this State, bounded ſoutherly by the County of *Albany*, eaſterly by the Counties of *Cumberland* and *Glouceſter*, northerly by a Line beginning at the moſt northerly Point of the Rock commonly called *Rogers's Rock*, ſituate on the Weſt Side of *Lake-George*, and thence due Weſt to the County of *Montgomery*, and running alſo from the ſaid Rock due Eaſt to the Weſt Bounds of the County of *Glouceſter*, and weſterly by the Counties of *Albany* and *Montgomery*.

Clinton.

THE ſaid County of *Clinton* to contain all that Part of this State, bounded northerly by the North Bounds of this State, eaſterly by the County of *Glouceſter*, ſoutherly by the County of *Waſhington*, and weſterly by the eaſterly Line of the County of *Montgomery*, which is the Line of the County of *Albany* that runs North from the *Mohawk-River*, continued to the North Bounds of this State.

Montgomery.

AND the County of ‡ *Montgomery* to contain all that Part of this State, bounded eaſterly by the Counties of *Ulſter*, *Albany*, *Waſhington* and *Clinton*, ſoutherly by the State of *Pennſylvania*, and weſterly and northerly by the Weſt and North Bounds of this State.

Said Boundaries not to affect the Titles of Individuals or Bodies Politic.

PROVIDED *always*, That the Lines or Boundaries ſo aſſigned as aforeſaid for the Limits of any of the ſaid Counties, ſhall not, nor ſhall any or either of them be deemed to take away, abridge, deſtroy or affect the Right or Title of any Perſon or Perſons, Bodies Politic or Corporate, in any Manner or by any Means whatſoever.

Freeholders of *Clinton* County to vote for Governor, &c. as if this Act had not paſſed 'till after the firſt *Cenſus*;

III. *And be it further Enacted by the Authority aforeſaid*, That until the firſt *Cenſus* be taken, purſuant to the Conſtitution of this State, it ſhall and may be lawful for the Freeholders and Inhabitants of the ſaid County of *Clinton*, to vote in all Elections for Governor, Lieutenant-Governor, and Members for Senate and Aſſembly, in like Manner as they might have done, if this Act had not paſſed: And that the Superviſors of the ſaid County of *Clinton*, ſhall yearly meet with the Superviſors of the ſaid County of *Waſhington*, on the laſt *Tueſday* of *May*, in every Year, until the ſaid *Cenſus* ſhall be taken as aforeſaid, at *Salem*, where the Court is then holden in the County of *Waſhington*, and ſhall, in Conjunction with the Superviſors of the ſaid County of *Waſhington*, proceed to open the Incloſures delivered to the Clerks of the ſaid Counties, and canvaſs and eſtimate the Votes therein contained, and ſhall in all Things conform to the Directions of the Act, entitled, ‡ *An* Act *for regulating Elections*, paſſed the 13th of *February*, 1787. And in Caſe the ſaid Superviſors of the ſaid Counties of *Waſhington* and *Clinton*, or a Majority of them, ſhall not meet as aforeſaid, on the laſt Tueſday of *May*, in any Year, then the Clerks of the ſaid Counties reſpectively, ſhall give Notice thereof to, and the Judges and Aſſiſtant Juſtices of the Courts of Common Pleas for the ſaid Counties, ſhall meet together at *Salem*, in the ſaid County of *Waſhington*, and act in all reſpects as the Clerks and Judges and Aſſiſtant Juſtices of the Courts of Common Pleas of the ſeveral Counties in this State, are reſpectively directed to do in and by the ſaid Act.

And the Superviſors of ſaid County, and the County of *Waſhington*, when and where to meet together, to canvaſs the Votes for Members of Aſſembly.

‡ 10*th Seſſ. Ch.* 15.

Courts of General Seſſions, and Courts of Common Pleas in the County of *Clinton*, when and where to be held.

IV. *And be it further Enacted by the Authority aforeſaid*, That there ſhall be held in and for the County of *Clinton*, a Court of Common Pleas, and a Court of General Seſſions of the Peace, at the Town of *Plattsburgh*; and that there be in the ſaid County of *Clinton*, two Terms in every Year, to commence and end on the Days following, *to wit*; The firſt Term to commence on the *fourth* Tueſday of *October*, and to end on the Saturday following; the ſecond Term to commence on the *third* Tueſday in *April*, and to end on the Saturday following. *Provided*, That in any of the Terms aforeſaid, the Court may adjourn previous to the Day aſſigned, if the Buſineſs of the Court will admit: And that the firſt Court of Common Pleas and General Seſſions of the Peace in the ſaid County, ſhall be held on the *fourth* Tueſday of *October* next enſuing.

CHAP.

‡ *Part of this County erected into a new County by the Name of* Ontario, 12*th Seſſ. Ch.* 7.

CHAP. LXIV.

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An ACT *for dividing the Counties of this State into Towns.*

Passed 7th March, 1788.

I. BE *it Enacted by the People of the State of* New-York, *represented in Senate and Assembly, and it is hereby Enacted by the Authority of the same*, That all that Part of the County of *Suffolk* now called and known by the Name of *Southhold*, including *Fisher's-Island*, *Plumb-Island*, *Robin's-Island*, the *Gull-Islands*, and all that Part of the Manor of *St. George*, on the North Side of *Peaconock*, extending westward to the East Line of *Brook-haven*, shall be, and hereby is erected into a Town by the Name of *Southold*. *Southold.*

AND that all that Part of the said County of *Suffolk*, now called *East-Hampton*, including *Montaack* and the *Isle* of *Wight*, now called *Gardner's-Island*, shall be, and hereby is erected into a Town by the Name of *East-Hampton*. *East-Hampton.*

AND that all that Part of the said County of *Suffolk*, now called and known by the Name of *South-Hampton*, including *Bridge-Hampton*, heretofore called *Saggaboneck* and *Mecoxe*, shall be, and hereby is erected into a Town by the Name of *South-Hampton*. *South-Hampton.*

AND that all that Island called *Shelter-Island*, in the County of *Suffolk*, shall be, and hereby is erected into a Town by the Name of *Shelter-Island*. *Shelter-Island.*

AND that all that Part of the said County of *Suffolk* called *Huntington*, including *Eaton's-Neck* and *Crab-Meadow*, shall be, and hereby is erected into a Town by the Name of *Huntington*. *Huntington.*

AND that all that Part of the said County of *Suffolk*, bounded southerly by the *Atlantic-Ocean*, westerly by *Huntington*, northerly by *Smith-Town* and *Winne-commick*, and easterly by the East Bounds of the Lands formerly belonging to *William Nicoll*, near *Blue-Point*, shall be, and hereby is erected into a Town by the Name of *Islip*. *Islip.*

AND that all that Part of the said County of *Suffolk*, bounded southerly by *Islip*, westerly by *Huntington*, northerly by the *Sound*, and easterly by the Patent of *Brookhaven*, including *Winne-commick*, shall be, and hereby is erected into a Town by the Name of *Smith-Town*. *Smith-Town.*

AND that all that Part of the said County of *Suffolk*, bounded westerly by *Smith-Town* and *Islip*, northerly by the *Sound*, easterly by *Southold* and *South-Hampton*, and southerly by the *Atlantic-Ocean*, shall be, and hereby is erected into a Town by the Name of *Brookhaven*. *Brookhaven.*

AND that all that Part of *Queen*'s County, now called and known by the Name of *Oysterbay*, including *Lloyd's-Neck* or *Queen's-Village* and *Hog-Island*, and extending on the South to the *Atlantic-Ocean*, shall be and continue a Town by the Name of *Oysterbay*. *Oysterbay.*

AND that all that Part of *Queen*'s County, bounded easterly by *Oysterbay*, southerly by the *Atlantic-Ocean* aforesaid, westerly by *Jamaica*, and northerly by the Country Road leading from *Jamaica* nearly through the Middle of the *Great Plains*, commonly called *Hempstead-Plains*, to the East Part thereof, including the Lands called the *Gore*, between the Patent of *Hempstead* and the Patent of *Oysterbay*, shall be and continue a Town by the Name of *South-Hempstead*. *South-Hempstead.*

AND that all that Part of *Queen*'s County aforesaid, bounded easterly by *Oysterbay*, southerly by *South-Hempstead*, westerly by *Flushing*, and northerly by the *Sound*, shall be and continue a Town by the Name of *North-Hempstead*. *North-Hempstead.*

AND

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AND that all that Part of *Queen*'s County aforeſaid, now called and known by the Name of *Fluſhing*, ſhall be and continue a Town by the Name of *Fluſhing*.

Fluſhing.

Jamaica.

AND that all that Part of *Queen*'s County aforeſaid, now called and known by the Name of *Jamaica*, ſhall be and continue a Town by the Name of *Jamaica*.

Newtown.

AND that all that Part of *Queen*'s County aforeſaid, now called and known by the Name of *Newtown*, including all the Iſlands in the *Sound* oppoſite the ſame and comprehended in *Queen*'s County, ſhall be and continue a Town by the Name of *Newtown*.

Brooklyn.

AND that all that Part of *King*'s County, now called and known by the Name of *Brooklyn*, ſhall be and continue a Town by the Name of *Brooklyn*.

Buſhwick.

AND that all that part of *King*'s County aforeſaid, now called and known by the Name of *Buſhwick*, ſhall be and continue a Town by the Name of *Buſhwick*.

Flatlands.

AND that all that Part of *King*'s County aforeſaid, now called and known by the Name of *Flatlands* or *Amesford*, ſhall be and continue a Town by the Name of *Flatlands*.

Flatbuſh.

AND that all that Part of *King*'s County aforeſaid, now called and known by the Name of *Flatbuſh*, including the Tract of Land called *New-Lots*, ſhall be and continue a Town by the Name of *Flatbuſh*.

Graveſend.

AND that all that Part of *King*'s County aforeſaid, now called and known by the Name of *Graveſend*, including *Coney-Iſland*, and all the Iſlands South of the ſaid Town, ſhall be and continue a Town by the Name of *Graveſend*.

New-Utrecht.

AND that all that Part of *King*'s County aforeſaid, now called and known by the Name of *New-Utrecht*, ſhall be and continue a Town by the Name of *New-Utrecht*.

Caſtle-Town.

AND that all that Part of the County of *Richmond*, bounded northerly by *Kill-Van-Cull*, eaſterly by *Hudſon's-River*, ſoutherly by the Road leading from *Van Duerſon*'s Ferry ſouthward of the *Watering-Place* to *Richmond-Town*, and weſterly by a Line beginning at the Mouth of *Dongan*'s Mill-creek, and running from thence along the Line of the Manor of *Caſtle-Town*, to the Road at the Rear of the Patent of *Corſen* and Company, thence along the northerly Side of the ſaid Road weſterly to the Road leading to *Haughwout*'s Mill, and then ſoutherly along the weſterly Side of the laſt mentioned Road as it runs along by *Richard Conner*'s, to the Tavern called the *Roſe* and *Crown*, on the ſaid Road leading to *Richmond-Town*, ſhall be, and hereby is erected into a Town by the Name of *Caſtle-Town*.

Southfield.

AND that all that Part of the ſaid County of *Richmond*, bounded northerly by the North Side of ſaid Road leading from *Van Duerſon*'s Ferry to *Richmond-Town* and the *Freſh-Kill*, eaſterly by *Hudſon's-River*, ſoutherly by the *Bay*, and weſterly by a Line beginning on the *Freſh-Kill* at the North-weſt Corner of the Land and Meadow late of *James Egberts*, and running from thence ſoutherly along the ſame to *Egbert*'s Lane, and then along the ſame Lane to the Road called the New-Road, and then along the ſame New-Road weſterly to the Land of *Henry Perine*, and then ſoutherly along his eaſterly Bounds to the *Bay*, ſhall be, and hereby is erected into a Town by the Name of *Southfield*.

Weſtfield.

AND that all that Part of the ſaid County of *Richmond*, bounded northerly by the *Freſh-Kill*, eaſterly by *Southfield*, ſoutherly by the *Bay*, and weſterly by the *Sound*, ſhall be, and hereby is erected into a Town by the Name of *Weſtfield*.

AND

AND that all the Residue of the said County of *Richmond*, shall be, and hereby is erected into a Town by the Name of *Northfield*.

Northfield.

AND that all that Part of the County of *Westchester*, bounded easterly by the *Sound*, and the Land granted to *Thomas Pell*, called the Manor of *Pelham*, southerly by the *Sound*, westerly by the County of *New-York*, and northerly by the North Bounds of the Manor of *Fordham*, and the North Bounds of the Land called the *Borough-Town* of *Westchester*, including the Islands in the *Sound* lying South thereof and in the County of *Westchester*, excepting thereout that Tract of Land commonly called *Morrissania*, shall be, and hereby is erected into a Town by the Name of *Westchester*.

Westchester.

AND that all that Tract of the said County of *Westchester*, commonly called and known by the Name of *Morrissania*, shall be, and hereby is erected into a Town by the Name of *Morrissania*.

Morrissania.

AND that all that Part of the County of *Westchester*, bounded easterly by *Bronx-River*, southerly by the Town of *Westchester*, westerly by the County of *New-York* and *Hudson's-River*, and northerly by the North Bounds of a Tract of Land called the *Yonkers*, shall be, and hereby is erected into a Town by the Name of *Yonkers*.

Yonkers.

AND that all that Part of the said County of *Westchester*, bounded easterly by *Bronx-River*, southerly by *Yonkers*, westerly by *Hudson's-River*, and northerly by a Line beginning on the East Side of *Hudson's-River*, at the South-west Corner of the Land lately conveyed by the Commissioners of Forfeitures for the southern District, to *Gerard G. Beekman*, Jun. and running from thence along the southerly and easterly Bounds thereof, to the Farm of *William David*, and then along the southerly and easterly Bounds of the said Farm of the said *William David*, to the Road leading to the *White-Plains*, and then easterly along the same Road to *Bronx-River*, shall be, and hereby is erected into a Town by the Name of *Greenburgh*.

Greenburgh.

AND that all that Part of the said County of *Westchester*, bounded southerly by *Greenburgh*, westerly by *Hudson's-River*, and northerly and easterly by the North and East Bounds of the Manor of *Philipsburgh*, shall be, and hereby is erected into a Town by the Name of *Mount-Pleasant*.

Mount-Pleasant.

AND that all that Part of the said County of *Westchester*, bounded southerly by the Town of *Westchester*, westerly by *Bronx-River*, northerly by the Manor of *Scarsdale*, and easterly by a *Brook* that runs southerly into *Eastchester* Creek, shall be, and hereby is erected into a Town by the Name of *Eastchester*.

Eastchester.

AND that all that Part of the said County of *Westchester*, called and known by the Name of Manor of *Pelham*, bounded southerly and easterly by the *Sound*, northerly by the North Bounds of the Manor of *Pelham*, including the Island called the *New-City-Island*, *Hart-Island* and *Appleby's-Island*, and westerly by the Town of *Eastchester*, shall be, and hereby is erected into a Town by the Name of *Pelham*.

Pelham.

AND that all that Part of the said County of *Westchester*, called and known by the Name of *New-Rochelle*, bounded southerly by the Town of *Pelham*, easterly by the *Sound*, northerly by *Mamaroneck* and the Manor of *Scarsdale*, and westerly by the Manor of *Scarsdale* and *Eastchester*, including the Island called *Rodman's-Island*, shall be, and hereby is erected into a Town by the Name of *New-Rochelle*.

New-Rochelle.

AND that all that Part of the said County of *Westchester*, bounded westerly by *Bronx-River*, southerly by the Town of *Eastchester*, and *New-Rochelle*, easterly by the East Bounds of the Tract of Land called the Manor of *Scarsdale*, and northerly by the North Bounds of the said Manor of *Scarsdale*, shall be, and hereby is erected into a Town by the Name of *Scarsdale*.

Scarsdale.

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Mamaroneck. AND that all that Part of the ſaid County of *Weſtcheſter*, bounded ſoutherly by *New-Rochelle*, eaſterly by the *Sound*, northerly by *Mamaroneck-River*, and weſterly by the Town of *Scarſdale*, ſhall be, and hereby is erected into a Town, by the Name of *Mamaroneck*.

White-Plains. AND that all that Part of the ſaid County of *Weſtcheſter*, bounded eaſterly by *Mamaroneck-River*, northerly by *North-Caſtle*, weſterly by *Bronx-River*, and ſoutherly by the Town of *Scarſdale*, ſhall be, and hereby is erected into a Town by the Name of *White-Plains*.

Harriſon. AND that all that Part of the ſaid County of *Weſtcheſter* called and known by the Name of *Harriſon's-Purchaſe*, ſhall be, and hereby is erected into a Town by the Name of *Harriſon*.

Rye. AND that all that Part of the ſaid County of *Weſtcheſter*, bounded ſoutherly by the *Sound*, eaſterly by *Connecticut*, and weſterly by the Town of *Harriſon* and *Mamaroneck-River*, including *Captain's-Iſland*, and all the Iſlands in the *Sound* lying South of the ſaid Bounds, ſhall be, and hereby is erected into a Town by the Name of *Rye*.

North-Caſtle. AND that all that Part of the ſaid County of *Weſtcheſter*, bounded ſoutherly by *Mount-Pleaſant*, the *White-Plains*, the Town of *Harriſon* and *Connecticut*, eaſterly by *Connecticut*, *Pound-Ridge* and *Bedford*, northerly by the Manor of *Cortlandt* and *Bedford*, and weſterly by *Bronx-River* and *Mount-Pleaſant*, ſhall be, and hereby is erected into a Town by the Name of *North-Caſtle*.

Bedford. AND that all that Part of the ſaid County of *Weſtcheſter*, formerly called and known by the Name of the Town of *Bedford*, ſhall be, and hereby is erected into a Town by the Name of *Bedford*.

Pound-Ridge. AND that all that Part of the ſaid County of *Weſtcheſter*, bounded ſoutherly by the State of *Connecticut*, eaſterly and northerly by *Salem*, and weſterly by *Bedford* and *Mahanus-River*, ſhall be, and hereby is erected into a Town by the Name of *Pound-Ridge*.

Salem. AND that all that Part of the ſaid County of *Weſtcheſter*, bounded northerly by a Line beginning at a *Monument* in the Line between this State and *Connecticut*, Eaſt of the North *Long-Pond*, and running weſterly by the North Side of the ſaid Pond and the South Bounds of the Land of *Ezekiel Hawley*, until it comes to the Road leading over the Mountain, and then croſſing the ſame Road, and running northerly along the Weſt Side of the ſame Road to the Land of *Ezekiel Hawley*, and then weſterly along the ſame to the Weſt Line of the *Oblong*, then northerly along the ſaid *Oblong* Line, until it comes to the South Line of the North Lot Number *Ten*, of the Manor of *Cortlandt*, and then weſterly along the South Bounds of the ſaid North Lot Number *Ten*, and the South Bounds of the North Lots Number *Nine* and *Eight*, to *Croton-River*, and then down the ſaid River to *Bedford*, eaſterly and ſoutherly by *Connecticut*, *Pound-Ridge* and *Bedford*, and weſterly by *Pound-Ridge*, *Bedford* and *Croton-River*, ſhall be, and hereby is erected into a Town by the Name of *Salem*.

North-Salem. AND that all that Part of the ſaid County of *Weſtcheſter*, bounded ſoutherly by *Salem*, eaſterly by *Connecticut*, northerly by *Dutcheſs* County, and weſterly by the Middle of *Croton-River*, ſhall be, and hereby is erected into a Town by the Name of *North-Salem*.

Cortlandt. AND that all that Part of the ſaid County of *Weſtcheſter*, bounded weſterly by *Hudſon's-River*, northerly by the County of *Dutcheſs*, eaſterly by North Lot Number *Two*, and South Lot Number *Two* of the Manor of *Cortlandt*, and the ſame Line continued to the South Bounds of the Manor of *Cortlandt*, and ſoutherly by the South Bounds of the Manor of *Cortlandt*, ſhall be, and hereby is erected into a Town by the Name of *Cortlandt*.

AND

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AND that all that Part of the said County of *Westchester*, bounded westerly by the Town of *Cortlandt*, northerly by the County of *Dutchess*, easterly by North Lot Number *Five*, and South Lot Number *Five* of the said Manor of *Cortlandt*, and the same Line continued to the South Bounds of the said Manor of *Cortlandt*, and southerly by the South Bounds of the said Manor of *Cortlandt*, shall be, and hereby is erected into a Town by the Name of *York-Town*. *York-Town.*

AND that all that Part of the said County of *Westchester*, bounded westerly by *York-Town*, northerly by the County of *Dutchess*, easterly by *North-Salem*, *Croton-River* and *Bedford*, and southerly by the South Bounds of the Manor of *Cortlandt*, shall be, and hereby is erected into a Town by the Name of *Stephen-Town*. *Stephen-Town.*

AND that all that Part of the County of *Dutchess*, bounded southerly by the County of *Westchester*, westerly by *Hudson's-River*, northerly by the North Bounds of the Lands granted to *Adolph Philipse*, Esq; and easterly by the East Bounds of the *Long-Lot*, Number Four, formerly belonging to *Beverly Robinson*, shall be, and hereby is erected into a Town by the Name of *Philip's-Town*. *Philip's-Town.*

AND that all that Part of the said County of *Dutchess*, bounded southerly by the County of *Westchester*, westerly by *Philip's-Town*, northerly by the North Bounds of the Lands granted to *Adolph Philipse*, Esq; and easterly by the East Bounds of the same Patent, shall be, and hereby is erected into a Town by the Name of *Frederick's-Town*. *Frederick's-Town.*

AND that all that Part of the said County of *Dutchess*, bounded southerly by the County of *Westchester*, westerly by *Frederick's-Town*, northerly by the northern Line of *Frederick's-Town*, continued to *Connecticut*, and easterly by *Connecticut*, shall be, and hereby is erected into a Town by the Name of *Southeast-Town*. *Southeast-Town.*

AND that all that Part of the said County of *Dutchess*, bounded southerly by *Philip's-Town* and *Frederick's-Town*, westerly by *Hudson's-River*, northerly by *Wappinger's-Kill* or Creek, and easterly by the East Bounds of *Rombout's* Patent, shall be, and hereby is erected into a Town by the Name of *Fishkill*. *Fishkill.*

AND that all that Part of the said County of *Dutchess*, bounded southerly by *Frederick's-Town*, westerly by *Fishkill*, northerly by the North Bounds of the Lands granted to Colonel *Henry Beekman*, and easterly by a Line beginning at the House now or late of *Daries Talman*, near the *Nine-Partners* Line, and running from thence to the House of *William Clark*, and from thence to the House of *Nathaniel Lee*, and from thence to the House of *Caleb Lamb*, and from thence South sixteen Degrees West to *Frederick's-Town*, shall be, and hereby is erected into a Town by the Name of *Beekman*. *Beekman.*

AND that all that Part of the said County of *Dutchess*, bounded southerly by *Southeast-Town* and *Frederick's-Town*, westerly by *Beekman*, northerly by the North Bounds of the Patent granted to Colonel *Henry Beekman*, continued to *Connecticut*, and easterly by *Connecticut*, shall be, and hereby is erected into a Town by the Name of *Pawling*. *Pawling.*

AND that all that Part of the said County of *Dutchess*, bounded easterly and southerly by *Wappinger's-Kill* or Creek, westerly by *Hudson's-River*, and northerly by the Tract of Land called the *Great* or *Lower Nine-Partners*, shall be, and hereby is erected into a Town by the Name of *Poughkeepsie*. *Poughkeepsie.*

AND that all that Part of the said County of *Dutchess*, bounded southerly by *Poughkeepsie* and *Beekman*, westerly by *Hudson's-River*, northerly and easterly by a Line beginning at the East Bank of *Hudson's-River*, at the North-west *Clinton.*

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weſt Corner of the Tract of Land, called *Pawling's-Patent*, and running along the North Line of the ſame Patent, to *Crom-Elbow-Kill*, otherwiſe called *Fiſh-Creek*, thence up along the ſaid Creek, to the Line of the Tract of Land called the *Little* or *Upper Nine-Partners*, thence eaſterly along the ſaid Line to the North-eaſt Corner of Lot Number *One*, ſo known and diſtinguiſhed in the firſt Diviſion of the ſaid Tract of Land, called the *Great* or *Lower Nine-Partners*, and then ſoutherly in the Line of that Tier of Lots to the North Bounds of *Beekman* aforeſaid, ſhall be, and hereby is erected into a Town by the Name of *Clinton*.

Rhynbeck.

AND that all that Part of the ſaid County of *Dutcheſs*, bounded ſoutherly by *Clinton*, weſterly by *Hudſon's-River*, northerly by the County of *Columbia*, and eaſterly by the *Little* or *Upper Nine-Partners*, ſhall be, and hereby is erected into a Town by the Name of *Rhynbeck*.

Waſhington.

AND that all that Part of the ſaid County of *Dutcheſs*, bounded ſoutherly by the Town of *Beekman*, weſterly by *Poughkeepſie* and *Clinton*, northerly by the North Bounds of a Tract of Land called the *Lower* or *Great Nine-Partners*, and eaſterly by the eaſtermoſt Tier of Lots laid out in the general Diviſion heretofore made of the ſaid Tract of Land called the *Lower* or *Great Nine-Partners*, ſhall be, and hereby is erected into a Town by the Name of *Waſhington*.

Amenia.

AND that all that Part of the ſaid County of *Dutcheſs*, bounded ſoutherly by the Town of *Pawling*, weſterly by the Town of *Waſhington*, northerly by the North Bounds of the ſaid *Lower* or *Great Nine-Partners*, and an Eaſt Line from the North-eaſt Corner thereof to *Connecticut*, and eaſterly by *Connecticut*, ſhall be, and hereby is erected into a Town by the Name of *Amenia*.

Northeaſt-Town.

AND that all that Part of the ſaid County of *Dutcheſs*, bounded weſterly by *Rhynbeck*, northerly by the County of *Columbia*, eaſterly by *Connecticut*, and ſoutherly by the Towns of *Waſhington* and *Amenia*, ſhall be, and hereby is erected into a Town by the Name of *Northeaſt-Town*.

Orange-Town.

AND that all that Part of the County of *Orange*, bounded eaſterly by *Hudſon's-River*, ſoutherly by *New-Jerſey*, and weſterly and northerly by a Line beginning on *Hudſon's-River*, at the North-eaſt Corner of the Farm late belonging to *Harman Talman*, deceaſed, and running from thence weſterly along the ſaid Farm to the Tract of Land formerly granted to *Teunis D. Talman*, and then ſoutherly and weſterly along the Bounds of the ſame Tract to *Demareſt's-Kill* or *Hackinſack-River*, and then down the Stream thereof to the North-eaſt Corner of a Tract of One Thouſand Acres of Land formerly ſold for defraying the Expences of dividing the Patent of *Kakiatt*, and then weſterly along the ſame to the North-weſt Corner thereof, and then northerly, weſterly and ſoutherly along the Land of *Johannes Jos. Blauvelt* to the North-eaſt Corner of the Land of *John M. Hogenkamp*, and then weſterly and ſoutherly along the ſame to the North-eaſt Corner of the Land of *John P. Mabie*, and then weſterly along his Land to *New-Jerſey*, ſhall be, and hereby is erected into a Town by the Name of *Orange-Town*.

Haverſtraw.

AND that all that Part of the ſaid County of *Orange*, bounded eaſterly by *Orange-Town* and *Hudſon's-River*, ſoutherly by *Orange-Town* and *New-Jerſey*, and northerly by a line beginning at the Mouth of *Poplopen's-Kill* on *Hudſon's-River*, and running from thence on a direct Courſe to the South-eaſtermoſt Corner of the Farm of *Stephen Sloot*, and then along the South Bounds of his Farm to the South-weſt Corner thereof, and then on the ſame Courſe to *New-Jerſey*, ſhall be, and hereby is erected into a Town by the Name of *Harverſtraw*.

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AND that all that Part of *Orange* County aforesaid, bounded northerly by *Ulster* County, easterly by *Hudson's-River* and *Harverstraw*, southerly by *New-Jersey*, and westerly by a Line beginning at the Border or Verge of *Ulster* County, near the new Dwelling-House which belonged to *John Manno* in the Year of our Lord One Thousand Seven Hundred and Sixty-four, and running from thence on a Course which will leave the House, then and now belonging to *Barnabas Horton*, junior, ten Chains to the Westward of the said Course, and so to continue the same Course to *New-Jersey*, shall be, and hereby is erected into a Town by the Name of *New-Cornwall*. *New-Cornwall.*

AND that all that Part of the County of *Orange* aforesaid, bounded easterly by *New-Cornwall*, North by *Ulster* County, westerly by the *Wallkill*, and southerly by the Creek commonly called *Quakers-Creek*, from where it falls into the *Wallkill* on the South-westerly Side of the *Great-Island* in the drowned Lands to the House of *Timothy Clarke*, thence along the southerly Side of the Road leading from *Florida* to *Chester*, to the House of *Isaac Wynans*, thence along the southerly Side of the Road running by the Grist-Mill of *William Thompson*, Esq; towards *Sugar-Loaf* Mountain, to the northerly Line of the Plantation of *Samuel Rainer*, and thence along the said Line easterly to the South-west Corner of a large Tract of Land commonly called *Rutgers*'s Tract, and then easterly along the southerly Bounds of the said Tract, to the Foot of the said *Sugar Loaf* Mountain, and then an East Course to the Bounds of *New-Cornwall*, shall be, and hereby is erected into a Town by the Name of *Goshen*. *Goshen.*

AND that all that Part of the County of *Orange* aforesaid, bounded easterly by *New-Cornwall*, southerly by the State of *New-Jersey*, westerly by the *Wallkill*, and northerly by *Goshen*, shall be, and hereby is erected into a Town by the Name of *Warwick*. *Warwick.*

AND that all that Part of the said County of *Orange*, bounded easterly by the *Wallkill*, southerly by *New-Jersey*, westerly by *Delaware-River*, and North by the County of *Ulster*, shall be, and hereby is erected into a Town by the Name of *Minisink*. *Minisink.*

AND that all that Part of the County of *Ulster*, bounded easterly by *Hudson's-River*, southerly by the County of *Orange*, and westerly and northerly by a Line beginning at the West Side of *Hudson's-River*, at the Mouth of *Quasick-Creek*, and running from thence along the South Bounds of a Tract of Land commonly called the *German-Patent*, and the southerly Bounds of a Tract of Land granted to *Alexander Baird* and Company, to the East Bounds of Two Thousand Acres of Land granted to *Cadwallader Colden*, and then across the same to the most northerly Corner of the Land granted to *Patrick Hume*, and then along the westerly Bounds thereof to the Lands granted to *Patrick M'Knight*, and then along the same, South-easterly and South-westerly, to the southerly Corner thereof, and then continuing the last mentioned Line to the County of *Orange*, so as to include the Lands of *Fletcher Mathews*, shall be, and hereby is erected into a Town by the Name of *New-Windsor*. *New-Windsor.*

AND that all that Part of the said County of *Ulster*, bounded easterly by *Hudson's-River*, southerly by *New-Windsor*, westerly by the East Bounds of the said Tract of Land granted to *Cadwallader Colden*, and the East Bounds of One Thousand Acres of Land granted to *John Johnson*, and the East Bounds of Three Thousand Acres of Land granted to *Henry Wileman*, and the East Bounds of Three Thousand Five Hundred Acres of Land granted to *Rip Van Dam* and others, and northerly by a Line beginning on the West Side of *Hudson's-River*, at the North-east Corner of a Tract of Land granted to *Francis Harrison* and Company, called the Five Thousand Acre Tract, and running from thence westerly along the North Bounds of the same Tract, and the North Bounds of another Tract granted to the said *Francis Harrison*, *Newburgh.*

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to the Tract of Land commonly called *Wallace*'s Tract, then along the Lines of the ſame northerly and weſterly to the North-eaſterly Bounds of a Tract of Land granted to *Jacobus Kip*, *John Cruger* and others, commonly called *Kip* and *Cruger*'s Tract, then weſterly along the North-eaſterly and northerly Bounds thereof, to the North-weſt Corner thereof, and then weſterly to the North-eaſt Corner of the ſaid Tract of Three Thouſand Five Hundred Acres of Land granted to *Rip Van Dam* and others, ſhall be, and hereby is erected into a Town by the Name of *Newburgh*.

Marlborough.

AND that all that Part of the County of *Ulſter*, bounded eaſterly by *Hudſon's-River*, ſoutherly by *Newburgh*, weſterly by the Eaſt Bounds of Two Thouſand Acres of Land granted to *Peter Barberie*, and the Eaſt Bounds of Two Thouſand Acres of Land granted to *William Huddleſton*, and the Eaſt Bounds of Two Thouſand Acres of Land granted to *Thomas Garland*, and northerly by a Tract of Land granted to *Lewis Du Bois* and Partners, called the *New-Paltz Patent*, and a Tract of Land granted to *Noah Elting* and *Nathaniel La Fever*, and a Tract of Land granted to *Anne Mullender*, commonly called *Mullender*'s Tract, and a Tract of Land granted to *Hugh Frere*, and the ſoutherly Line thereof, continued to the Eaſt Bounds of the ſaid Two Thouſand Acres of Land granted to the ſaid *Thomas Garland*, ſhall be, and hereby is erected into a Town by the Name of *Marlborough*.

Wallkill.

AND that all that Part of the ſaid County of *Ulſter*, bounded eaſterly by *New-Windſor*, ſoutherly by the County of *Orange*, weſterly by *Shawangunk-Kill*, and northerly by the Line commonly called the Old North-weſt Line, ſhall be, and hereby is erected into a Town by the Name of *Wallkill*.

Montgomery.

AND that all that Part of the ſaid County of *Ulſter*, bounded eaſterly by *New-Windſor* and *Newburgh*, ſoutherly by the ſaid Town of *Wallkill*, weſterly by *Shawangunk-Kill*, and northerly by a Line beginning at the North-eaſt Corner of a Tract of Three Thouſand Acres of Land granted to *Henry Wileman*, and running thence along the North Bounds thereof to the *Paltz-River*, commonly called the *Wallkill*, and then ſoutherly up the ſame River to the South-eaſt Corner of a Tract of Four Thouſand Acres of Land granted to *Gerardus Beekman* and others, and then weſterly and northerly along the ſoutherly and weſterly Bounds thereof to the North-weſt Corner thereof, and then North-weſterly along the North Bounds of the Lands granted to *Jeremiah Schuyler* and Company, to the *Shawangunk-Kill* aforeſaid, ſhall be, and hereby is erected into a Town by the Name of *Montgomery*.

Shawangunk.

AND that all that Part of the ſaid County of *Ulſter*, bounded eaſterly by *Newburgh* and *Marlborough*, ſoutherly by *Montgomery* and the *Platte-Kill*, weſterly by *Shawangunk* Mountains, and northerly by a Line beginning at the North-eaſt Corner of a Tract of Two Thouſand Acres of Land granted to *William Huddleſton*, and running from thence along the North Bounds thereof, and the North Bounds of Two Thouſand Acres of Land granted to *Peter Mathews* and others, to the Mouth of *Shawangunk-Kill*, and then weſterly along the North Side of the ſame Kill, as it runs to the South-weſt Corner of the Land granted to Colonel *Jacob Rutſen*, and then along the weſterly Bounds thereof to the North-weſt Corner thereof, and then along the ſoutherly Bounds of a Tract of Land granted to *Stephen Du Blois*, to the South-weſt Corner thereof, and then North-weſt to *Shawangunk* Mountains aforeſaid, ſhall be, and hereby is erected into a Town by the Name of *Shawangunk*.

Kingſton.

AND that all that Part of the ſaid County of *Ulſter*, called the Townſhip of *Kingſton* and Manor of *Fox-Hall*, and extending Northward to the Line of the County of *Albany*, and Southward to the North Bounds of a Tract of Land granted

granted to *Lewis Du Bois* and Partners, called the *New-Paltz Patent*, shall be, and hereby is erected into a Town by the Name of *Kingston*. A D. 1788. Inde U. S. XII.

AND that all that Part of the said County of *Ulster*, called the Townships of *Hurley*, shall be, and hereby is erected into a Town by the Name of *Hurley*. *Hurley.* *Alter. 12th Sess. Ch. 48.*

AND that all that Part of the said County of *Ulster*, called *Marbletown*, shall be, and hereby is erected into a Town by the Name of *Marbletown*. *Marbletown.*

AND that all that Part of the said County of *Ulster*, bounded northerly by the North Bounds of the Patent granted to *Lewis Du Bois* and Partners, called the *New-Paltz-Patent*, easterly by *Hudson's-River*, southerly by *Marlborough* and *Shawangunk*, and westerly by the West Bounds of the said Patent, continued southerly to the North-west Corner of *Shawangunk*, shall be, and hereby is erected into a Town by the Name of *New-Paltz*. *New-Paltz.*

AND that all that Part of the said County of *Ulster*, called *Rochester*, and extending West to *Delaware-River*, shall be, and hereby is erected into a Town by the Name of *Rochester*. *Rochester.* *Altered 12th Sess Ch. 48.*

AND that all that Part of the said County of *Ulster*, bounded northerly by *Rochester*, easterly by the Town of *Shawangunk*, *Montgomery* and *Wallkill*, southerly by the County of *Orange*, and westerly by *Delaware-River*, shall be, and hereby is erected into a Town by the Name of *Mama-Kating*. *Mama-Kating.*

AND that all that Part of the said County of *Ulster*, bounded northerly by the County of *Albany*, easterly by *Kingston*, *Hurley* and *Marbletown*, southerly by *Rochester*, and westerly by *Delaware-River* and the County of *Montgomery*, shall be, and hereby is erected into a Town by the Name of *Woodstock*. *Woodstock.* *Divided 12th Sess. Ch. 48.*

AND that all that Part of the County of *Columbia*, bounded westerly and northerly by the County of *Albany*, southerly by the North Bounds of the City of *Hudson*, as far as to the first Falls in Major *Abraham*'s Creek, and from thence running East, and easterly by a Line running from a Place in the North Line of the County of *Columbia*, ten Miles distant from *Hudson's-River*, due South until it strikes the said last Line from the said Falls, shall be, and hereby is erected into a Town by the Name of *Kinderhook*. *Kinderhook.*

AND that all that Part of the said County of *Columbia*, now called *King*'s District, bounded westerly by *Kinderhook*, northerly by the County of *Albany*, easterly by the East Bounds of this State, and southerly by the said East Line from the first Falls in Major *Abraham*'s Creek aforesaid, continued to the East Bounds of this State, shall be, and hereby is erected into a Town by the Name of *Canaan*. *Canaan.*

AND that all that Part of the said County of *Columbia*, bounded southerly by the Manor of *Livingston*, westerly by the City of *Hudson*, northerly by *Kinderhook*, and easterly by a Line beginning at the South-east Corner of *Kinderhook*, and running thence South fourteen Degrees West to the Manor of *Livingston*, shall be, and hereby is erected into a Town by the Name of *Claverack*. *Claverack.*

AND that all that Part of the said County of *Columbia*, bounded westerly by *Claverack*, northerly by *Canaan*, easterly by the East Bounds of this State, and southerly by the Manor of *Livingston*, and the North Line thereof, continued to the East Bounds of this State, shall be, and hereby is erected into a Town by the Name of *Hillsdale*. *Hillsdale.*

AND that all that Part of the said County of *Columbia*, beginning on the South Side of the Mouth of a certain River, commonly called *Roeloff Janſen's Kill*, and running thence along the South Side of the said River easterly until it comes to the Tract of Land heretofore granted to *Derick Wessels*, lying on both Sides of the said River, thence along the westerly, northerly and easterly Bounds of the said Tract, until it again comes to the said River, and *Clermont.*

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and then along the South Side of the ſaid River until it ſtrikes the Farm now in the Occupation of *Marcus Platner* and *Jacob Heermanſe*, and then along the weſterly, northerly and eaſterly Part of the ſame Farm to the South Side of the ſaid Creek or River, and then along the ſoutherly Side thereof, to the South Bend thereof, where it meets with the North Line of the County of *Dutcheſs*, and thence weſterly along the Line of the County of *Dutcheſs*, to *Hudſon's-River*, and then northerly up along *Hudſon's-River*, to the Place of beginning, ſhall be, and hereby is erected into a Town by the Name of *Clermont*, excepting thereout the Tract of Country called the *German* or *Eaſt-Camp*.

German-Town. AND that all that Part of the ſaid County of *Columbia*, commonly called and known by the Name of the *German* or *Eaſt-Camp*, ſhall be, and hereby is erected into a Town by the Name of *German-Town*.

Livingſton. AND that all the remaining Part of the ſaid County of *Columbia*, ſhall be, and hereby is erected into a Town by the Name of *Livingſton*.

Renſſelaerwyck. AND that all that Part of the County of *Albany*, bounded ſoutherly by the County of *Columbia*, weſterly by *Hudſon's-River*, including ſuch of the Iſlands in the ſame River as are neareſt the Eaſt Side thereof, and northerly by the North Bounds of the Manor of *Renſſelaerwyck*, and eaſterly by a Line beginning in the ſame North Bounds, at a Place nine Miles diſtant from *Hudſon's-River*, and running from thence ſoutherly to the North-eaſt Corner of *Kinderhook*, in the County of *Columbia*, ſhall be, and hereby is erected into a Town by the Name of *Renſſelaerwyck*.

Stephen-Town. AND that all that Part of the ſaid County of *Albany*, bounded eaſterly by the Eaſt Bounds of this State, ſoutherly by the County of *Columbia*, weſterly by the ſaid Town of *Renſſelaerwyck*, and northerly by the North Bounds of the ſaid Manor of *Renſſelaerwyck*, ſhall be, and hereby is erected into a Town by the Name of *Stephen-Town*.

Schactekoke. AND that all that Part of the ſaid County of *Albany*, bounded ſoutherly by the ſaid Town of *Renſſelaerwyck*, weſterly by *Hudſon's-River*, northerly by a Line beginning at the Mouth of *Lewis's Creek* or *Kill*, and running from thence South Eighty-four Degrees Eaſt to *Hoſick-River*, and eaſterly and South-eaſterly by a Line running from thence down along *Hoſick-River*, as it runs to the Place where *Toll's-Bridge* formerly ſtood, and then due South to the Road leading from *St. Hoick* to *Albany*, and then along the ſame Road to the North Bounds of *Renſſelaerwyck*, ſhall be, and hereby is erected into a Town by the Name of *Schactekoke*.

Pitt's-Town. AND that all that Part of the ſaid County of *Albany*, bounded ſoutherly by *Renſſelaerwyck* and *Stephen-Town*, weſterly by *Schactekoke*, northerly by *Schactekoke* and *Cambridge*, and eaſterly by a Line beginning at the Diſtance of ten Miles Eaſt from *Hudſon's-River*, on the North Line of *Schactekoke*, continued Eaſt, and running from thence to a Place in the North Bounds of *Stephen-Town*, at the Diſtance of thirteen Miles from *Hudſon's-River*, ſhall be, and hereby is erected into a Town by the Name of *Pitt's-Town*.

Hoſick. AND that all that Part of the ſaid County of *Albany*, bounded eaſterly by the Eaſt Bounds of this State, ſoutherly by *Stephen-Town*, weſterly by *Pitt's-Town*, and northerly by the North Line of *Schactekoke* and *Pitt's-Town*, continued to the Eaſt Bounds of this State, ſhall be, and hereby is erected into a Town by the Name of *Hoſick*.

Cambridge. AND that all that Part of the ſaid County of *Albany*, bounded northerly by the County of *Waſhington*, eaſterly by the Eaſt Bounds of this State, ſoutherly by *Hoſick*, *Pitt's-Town* and *Schactekoke*, and weſterly by the Eaſt Bounds of *Saraghtoga-Patent*, ſhall be, and hereby is erected into a Town by the Name of *Cambridge*.

AND

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AND that all that Part of the ſaid County of *Albany*, bounded eaſterly by *Cambridge*, ſoutherly by *Schactekoke* and *Anthony's-Kill*, and a Line from that Part of the ſaid Kill where it comes out of the *Round-Lake* to the South-eaſt Corner of *Ball's-Town*, weſterly by *Ball's-Town*, and a North Line from the North-eaſt Corner thereof, and northerly on the Weſt Side of *Hudſon's-River*, by the North Bounds of Lot Number *Seventeen* in *Saraghtoga-Patent*, continued to the ſaid North Line from the North-eaſt Corner of *Ball's-Town*, and on the Eaſt Side of *Hudſon's-River*, by a Line beginning in the Middle of Lot Number *Thirty-eight* in *Saraghtoga-Patent*, on *Hudſon's-River*, and running eaſterly parallel to the South Bounds of the ſame Lot to *Cambridge*, ſhall be, and hereby is erected into a Town by the Name of *Stillwater*.

Stillwater. Divided 12th Seſſ. Ch. 48.

AND that all that Part of the ſaid County of *Albany*, bounded northerly by the County of *Waſhington*, eaſterly by *Cambridge*, ſoutherly by *Stillwater*, and weſterly by a North Line from the North-eaſt Corner of *Ball's-Town*, continued to the County of *Waſhington*, ſhall be, and hereby is erected into a Town by the Name of *Saraghtoga*.

Saraghtoga. Divided 12th Seſſ. Ch. 48.

AND that all that Part of the ſaid County of *Albany*, bounded weſterly by the County of *Montgomery*, northerly by the County of *Waſhington*, eaſterly by *Saraghtoga* and *Stillwater*, and ſoutherly by the South Bounds of *Ball's-Town*, and a Line from the South-weſt Corner thereof, continued Weſt to the County of *Montgomery*, ſhall be, and hereby is erected into a Town by the Name of *Ball's-Town*.

Ball's-Town. Altered 12th Seſſ. Ch. 48.

AND that all that Part of the ſaid County of *Albany*, bounded northerly by *Stillwater* and *Ball's-Town*, eaſterly by *Schactekoke*, ſoutherly by the Middle of the *Mohawk-River*, and its moſt northerly Branch, and weſterly by the Weſt Bounds of the Patent granted to *William Apple*, and the *Long-Lake*, ſhall be, and hereby is erected into a Town by the Name of *Half-Moon*.

Half-Moon. Altered 12th Seſſ. Ch. 48.

AND that all that Part of the ſaid County of *Albany*, bounded northerly by *Ball's-Town*, eaſterly by *Half-Moon* and *Water-Vliet*, ſoutherly by the North Bounds of the Manor of *Renſſelaerwyck*, and weſterly by the County of *Montgomery*, and a Line running from that Part of the *Mohawk-River* where the Line of the County of *Montgomery* comes to the ſaid River, South to the Manor of *Renſſelaerwyck*, including all that Tract of Land called *Cory's-Brook*, ſhall be, and hereby is erected into a Town by the Name of *Schenectady*.

Schenectady. Altered 12th Seſſ. Ch. 48.

AND that all that Part of the ſaid County of *Albany*, bounded eaſterly by *Hudſon's-River*, including the Iſlands in the ſame lying neareſt the Weſt Side thereof, northerly by *Half-Moon*, and by a Line from the South-weſt Corner of *Half-Moon*, South to the Lands granted to *John Schuyler*, and then along the Weſtern Bounds thereof to the North Bounds of the Manor of *Renſſelaerwyck*, and then to the North-weſt Corner of the ſaid Manor, weſterly by the Weſt Bounds of the ſame Manor, and ſoutherly by the North Line of the County of *Columbia*, continued to the Weſt Bounds of the ſame Manor, except the City of *Albany*, ſhall be, and hereby is erected into a Town by the Name of *Water-Vliet*.

Water-Vliet.

AND that all that Part of the ſaid County of *Albany*, bounded weſterly and northerly by the County of *Montgomery*, eaſterly by *Schenactady* and *Water-Vliet*, and ſoutherly by a Tract of Land called the Townſhip of *Blenheim*, and a Line running from the North-eaſt Corner thereof Eaſt to *Water-Vliet*, ſhall be, and hereby is erected into a Town by the Name of *Schoharie*.

Schoharie. See 11th Seſſ. Ch. 95. Sec. 38.

AND that all that Part of the ſaid County of *Albany*, bounded weſterly by the Counties of *Montgomery* and *Ulſter*, northerly by *Schoharie* and *Water-Vliet*, eaſterly by the County of *Columbia*, and ſoutherly by a Line beginning at the South Bank of the Mouth of the *Murderer's-Kill*, at *Lunenburgh*, and

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and running from thence North, Eighty Degrees Weſt, to the County of *Ulſter*, ſhall be, and hereby is erected into a Town by the Name of *Cockſakie*.

Cats-Kill.

AND that all that Part of the ſaid County of *Albany*, bounded northerly by *Cockſakie*, eaſterly by the County of *Columbia*, and ſoutherly by the County of *Ulſter*, ſhall be, and hereby is erected into a Town by the Name of *Cats-Kill*.

Argyle.

AND that all that Part of the County of *Waſhington*, bounded ſoutherly by the County of *Albany*, weſterly by *Hudſon's-River*, northerly by a Tract of Land called *Kingsbury*, and a Tract of Land called the *Provincial-Patent*, and eaſterly by the Eaſt Bounds of a Tract of Land called the Townſhip of *Argyle*, ſhall be, and hereby is erected into a Town by the Name of *Argyle*.

Salem.

AND that all that Part of the ſaid County of *Waſhington*, bounded eaſterly by the Eaſt Bounds of the ſaid County of *Waſhington*, ſoutherly by the County of *Albany*, weſterly by *Argyle*, and northerly by the North Bounds of a Tract of Land called *Turner's-Patent*, and a Line running from the North-eaſt Corner thereof, Eaſt to the Eaſt Bounds of the ſaid County of *Waſhington*, ſhall be, and hereby is erected into a Town by the Name of *Salem*.

Hebron.

AND that all that Part of the ſaid County of *Waſhington*, bounded eaſterly by the Eaſt Bounds of the ſaid County of *Waſhington*, ſoutherly by *Salem* aforeſaid, weſterly by *Argyle*, and the ſaid Tract of Land called the *Provincial-Patent*, and northerly by an Eaſt and Weſt Line run from the South-eaſt Corner of a Tract of Land formerly granted to Lieutenant *Byrn*, ſhall be, and hereby is erected into a Town by the Name of *Hebron*.

Granville.

AND that all that Part of the ſaid County of *Waſhington*, bounded eaſterly by the Eaſt Bounds of the ſaid County of *Waſhington*, ſoutherly by *Hebron* aforeſaid, weſterly by the ſaid Tract called the *Provincial-Patent*, and a Tract of Land called the *Artillery-Patent*, and northerly by a Tract of Land heretofore called *Skeensborough*, and a Line running Eaſt from the South-eaſt Corner thereof, to the Eaſt Bounds of the ſaid County of *Waſhington*, ſhall be, and hereby is erected into a Town by the Name of *Granville*.

Hampton.

AND that all that Part of the ſaid County of *Waſhington*, bounded eaſterly by the Eaſt Bounds of the ſaid County of *Waſhington*, ſoutherly by *Granville* aforeſaid, weſterly by the ſaid Tract of Land heretofore called *Skeensborough*, and a Line running from the North-eaſt Corner thereof, North-eaſt to the North Bounds of the ſaid County of *Waſhington*, and northerly by the North Bounds of the ſaid County of *Waſhington*, ſhall be, and hereby is erected into a Town by the Name of *Hampton*.

Whitehall.

AND that all that Part of the ſaid County of *Waſhington*, bounded eaſterly by *Hampton*, ſoutherly by the South Bounds of the Tract of Land heretofore called *Skeensborough*, weſterly by the Weſt Bounds of the ſaid Tract and the Waters of *South-Bay*, and northerly by the North Bounds of the ſaid County of *Waſhington*, ſhall be, and hereby is erected into a Town by the Name of *Whitehall*.

Kingsbury.

AND that all that Part of the ſaid County of *Waſhington*, bounded eaſterly by the ſaid Tract of Land called the *Provincial-Patent*, ſoutherly by *Argyle*, and *Hudſon's-River*, weſterly by the Weſt Bounds of a Tract of Land called *Kingsbury*, and northerly by the North Bounds of the ſaid Tract of Land called *Kingsbury*, ſhall be, and hereby is erected into a Town by the Name of *Kingsbury*.

Weſtfield.

AND that all that Part of the ſaid County of *Waſhington*, bounded ſoutherly by *Kingsbury*, eaſterly by *Hebron*, *Granville* and *Whitehall*, northerly by *Whitehall* and the North Bounds of the ſaid County of *Waſhington*, and ‡ eaſterly by *Lake-*

‡ *So in the Original.*

Lake-George, ſhall be, and hereby is erected into a Town by the Name of *Weſtfield*.

Queensbury.

AND that all that Part of the ſaid County of *Waſhington*, bounded eaſterly by *Weſtfield* and *Kingsbury*, ſoutherly by the County of *Albany*, weſterly by the County of *Montgomery*, and northerly by the North Bounds of the ſaid County of *Waſhington*, ſhall be, and hereby is erected into a Town by the Name of *Queensbury*.

Crown-Point.

AND that all that Part of the County of *Clinton*, bounded ſoutherly by the South Bounds of the ſaid County of *Clinton*, northerly by the South Line of *Judd's-Patent*, continued weſterly to the County of *Montgomery*, and eaſterly to the Eaſt Bounds of the County of *Clinton*, eaſterly by the Eaſt Bounds of the County of *Clinton*, and weſterly by the County of *Montgomery*, ſhall be, and hereby is erected into a Town by the Name of *Crown-Point*.

Willſborough.

AND that all that Part of the County of *Clinton*, bounded on the South by the Town of *Crown-Point*, on the North by the South Line of a Patent (which including the River *A-Sable*, at its Mouth) continuing Weſtward to the County of *Montgomery*, and Eaſtward to the Eaſt Bounds of the County of *Clinton*, eaſterly by the Eaſt Bounds of the County of *Clinton*, and weſterly by the County of *Montgomery*, ſhall be, and hereby is erected into a Town by the Name of *Willsborough*.

Plattſburgh.

AND that all that Part of the County of *Clinton*, bounded on the South by the Town of *Willsborough*, on the North by the North Line of a Patent granted to *William Beekman* and others, continued Weſtward to the County of *Montgomery*, and Eaſtward to the Eaſt Bounds of the County of *Clinton*, eaſterly by the Eaſt Bounds of the County of *Clinton*, and weſterly by the County of *Montgomery*, ſhall be, and hereby is erected into a Town by the Name of *Plattsburgh*.

Champlain.

AND that all that Part of the County of *Clinton*, laying to the Northward of the Town of *Plattsburgh*, South of the North Bounds of this State, Weſt of the Eaſt Bounds of the County of *Clinton*, and Eaſt of the County of *Montgomery*, ſhall be, and hereby is erected into a Town by the Name of *Champlain*.

Caughnawaga.

AND that all that Part of the County of *Montgomery*, bounded northerly by the North Bounds of this State, eaſterly by the Counties of *Clinton*, *Waſhington* and *Albany*, ſoutherly by the *Mohawk-River*, and weſterly by a Line running from the Hill, called *Anthony's-Noſe*, North to the North Bounds of this State, ſhall be, and hereby is erected into a Town by the Name of *Caughnawaga*.

Palatine.

AND that all that Part of the ſaid County of *Montgomery*, bounded northerly by the North Bounds of this State, eaſterly by *Caughnawaga*, ſoutherly by the *Mohawk-River*, and weſterly by a Line running from the *Little Falls* in the *Mohawk-River*, North to the North Bounds of this State, ſhall be, and hereby is erected into a Town by the Name of *Palatine*.

Herkemer.

AND that all that Part of the ſaid County of *Montgomery*, bounded northerly by the North Bounds of this State, eaſterly by *Palatine*, ſoutherly by the *Mohawk-River*, and weſterly by a North and South Line running acroſs the *Mohawk-River* at the Fording-Place near the Houſe of *William Cunningham*, leaving the ſame Houſe to the Weſt of the ſame Line, ſhall be, and hereby is erected into a Town by the Name of *Herkemer*.

Mohawk.

AND that all that Part of the ſaid County of *Montgomery*, bounded northerly by the *Mohawk-River*, eaſterly and ſoutherly by the County of *Albany*, and weſterly by a Line running from the Hill called *Anthony's-Noſe*, South

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until it ſtrikes the County of *Albany*, ſhall be, and hereby is erected into a Town by the Name of *Mohawk*.

Harpersfield.

AND that all that Part of the ſaid County of *Montgomery*, between the *Cookquago-Branch* of *Delaware-River*, and the Branch of the *Suſquehanna-River* called *Adigitange*, beginning at a Rock-Maple Tree, marked on four Sides with a Blaze and three Notches, and with the Letters and Figures A. C. 1768, ſtanding on a high Point of Land at the South Side of a ſmall Lake, called by the Indians, *Utſayantho*, from whence the ſaid Branch of the *Delaware*, called by the Indians *Cookquago*, iſſues, and running from thence North thirty Degrees Weſt to the ſaid *Adigitange*, and thence down the ſame and the *Suſquehanna* to the Bounds of *Pennſylvania*, and Eaſt along the ſame to the River *Delaware*, and then up the ſame River to the Place of beginning, ſhall be, and hereby is erected into a Town by the Name of *Harpersfield*.

Otſego.

AND that all that Part of the ſaid County of *Montgomery*, beginning at the Headwater of the *Lake-Otſego*, in the Patent commonly called the *Otſego-Patent*, granted to *George Croghhan* and others, and running from thence along the northerly Bounds of the ſaid Patent to the North-weſt Corner thereof, thence extending weſterly to the River *Tienaderha*, ſo as to include the Patent granted to *William* and *Robert Edminſton*, thence down the ſaid River to its Junction with the *Suſquehanna-River*, and then up the ſaid River to the Place of beginning, ſhall be, and hereby is erected into a Town by the Name of *Otſego*.

Canajoxharie.

AND that all that Part of the ſaid County of *Montgomery*, bounded northerly by the *Mohawk-River*, eaſterly by the Town of *Mohawk*, and the County of *Albany*, ſoutherly by *Harpersfield*, and weſterly by the River *Suſquehanna* and the Lake *Otſego*, and a Line from the Head-water thereof to the *Little-Falls* in the *Mohawk-River*, ſhall be, and hereby is erected into a Town by the Name of *Canajoxharie*.

German-Flatts.

AND that all that Part of the ſaid Coun ty of *Montgomery*, bounded northerly by the *Mohawk-River*, eaſterly by *Canajoxharie*, ſoutherly by *Otſego* and weſterly by the weſtern Line of the Town of *Herkemer*, continued South to the ſaid Town of *Otſego*, ſhall be, and hereby is erected into a Town by the Name of *German-Flatts*.

White's-Town. See 11th Seſſ. Ch. 95. Sec. 29.

AND that all the remaining Part of the ſaid County of *Mongomery*, ſhall be, and hereby is erected into a Town by the Name of *White's-Town*.

Boundaries of ſaid Towns not to affect the Rights of Individuals or Bodies Politic.

II. *And be it further Enacted by the Authority aforeſaid*, That none of the Bounds or Lines, by this Act aſſigned for the Limits of any or either of the ſaid Towns, ſhall be deemed to take away, abridge, deſtroy or affect the Right or Title of any Perſon or Perſons, Bodies Politic or Corporate, in any Manner or by any Means whatſoever, nor be deemed, taken or conſtrued as a Confirmation of the Bounds or the Rights of any Patent or Patents whatſoever.

If the Line of any Town interſects a Farm where the Tax for it is to be paid,

III. *And be it further Enacted by the Authority aforeſaid*, That where any Line of any of the ſaid Towns ſhall interſect a Farm, the Poſſeſſor of ſuch Farm ſhall pay all his Taxes for ſuch Farm in the Town where his Dwelling-Houſe ſhall be.

Inhabitants of *South* and *North-Hampſtead* may fiſh in each others Bays, Creeks, &c.

IV. *And be it further Enacted by the Authority aforeſaid*, That the Inhabitants of *South-Hempſtead* ſhall have and enjoy the Right of Oyſtering, Fiſhing and Clamming in the Creeks, Bays and Harbours of *North-Hempſtead*, and the Inhabitants of *North-Hempſtead* ſhall have and enjoy the like Rights and Privileges in the Creeks, Bays and Harbours of *South-Hempſtead*.

V. *And*

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V. *And be it further Enacted by the Authority aforeſaid*, That the Poor now belonging to the Precinct of *Goſhen*, and all Perſons now entitled to a Settlement therein, and who ſhall become poor, ſhall be ſupported and maintained at the joint Expence of the ſaid Towns of *Goſhen*, *Warwick* and *Miniſink*, in the ſame Proportion as the neceſſary and contingent Charges of the County ſhall, from Time to Time, be laid upon the ſame Towns reſpectively; and that all the Bridges which are now by Law directed to be made and maintained at the joint Expence of the Inhabitants of the Precincts of *Goſhen* and *Cornwall*, ſhall continue to be made, repaired and maintained by the Inhabitants of the ſaid Towns of *New-Cornwall*, *Goſhen*, *Warwick* and *Miniſink*, in the ſame Manner as if this Act had not been made.

Poor of *Goſhen* to be ſupported at the joint Expence of the Towns of *Goſhen*, *Warwick* and *Miniſink*. Bridges which are by Law to be repaired by *Goſhen* and *Cornwall*, to continue to be repaired as if this Act had not been made.

VI. *And be it further Enacted by the Authority aforeſaid*, That ſuch poor Perſons as are now maintained by the Inhabitants of the Manor of *Cortlandt* and Manor of *Philipsburgh*, ſhall be diſtributed within twenty Days after this Act ſhall take Effect; thoſe of the ſaid Manor of *Cortlandt*, to and among the Towns of *Cortlandt*, *York-Town* and *Stephen-Town*; and thoſe of *Philipsburgh*, to and among the Towns of *Greenburgh* and *Mount-Pleaſant*, in ſuch equitable Manner as *Ebenezer Purdy*, *Jonathan G. Tompkins* and *Ebenezer Lockwood*, or any two of them, ſhall, by Writing under their Hands, or the Hands of any two of them, order and direct; and that after ſuch Diſtribution, the Inhabitants of the ſaid Towns ſhall reſpectively maintain ſuch of the ſaid poor Perſons as ſhall be ſo as aforeſaid to them reſpectively aſſigned; and that until ſuch Diſtribution ſhall be ſo as aforeſaid made, the ſaid poor Perſons ſhall be kept and maintained in the ſame Manner as if this Act had never been made.

Poor of the Manors of *Cortlandt* and *Philiſburgh*, how to be diſtributed and maintained.

VII. *And be it further Enacted by the Authority aforeſaid*, That the Freeholders and Inhabitants of each and every of the ſaid Towns for the Time being reſpectively, who are or ſhall be qualified by Law to vote at Town-Meetings, ſhall for ever hereafter, have full Power and Authority, and they are hereby directed and required to aſſemble together and hold Town-Meetings in their reſpective Towns, on the *firſt* Tueſday in *April* in every Year, and then and there to elect and chuſe one Superviſor, one Town-Clerk, not leſs than three nor more than ſeven Aſſeſſors, one or more Collectors, each of whom ſhall be liable only for the Monies which they are reſpectively directed to collect in ſuch Parts of the Town as ſhall be aſſigned to them by the Superviſor, two Overſeers of the Poor, and three Commiſſioners of Highways for the ſame Town, each of whom ſhall be a Freeholder and Inhabitant of the ſame Town, and ſo many Conſtables, Overſeers of the Highways, Fence-Viewers and Pound-Maſters for the ſame Town, being Inhabitants of the ſame Town, as to the Freeholders and Inhabitants of ſaid Town ſo met, or the major Part of them, ſhall ſeem neceſſary and convenient; which ſaid ſeveral Officers ſhall hold their reſpective Offices for one Year, and until others ſhall be choſen in their Places. And in Caſe any of the Officers ſo choſen in any ſuch Town, ſhall refuſe to ſerve, or die, or remove out of the Town, or become incapable of ſerving before the next annual Town-Meeting, then, and in every ſuch Caſe, it ſhall and may be lawful to and for the Freeholders and Inhabitants of ſuch Town, from Time to Time, when it ſhall be neceſſary, to elect and chuſe another or others in the Room of ſuch of them ſo refuſing to ſerve, or dying, removing or becoming incapable of ſerving, and to aſſemble together and hold Town-Meetings for that Purpoſe. And the Town-Clerk of each Town reſpectively, upon Notice of any ſuch Refuſal, Removal, Incapacity or Death, or in Caſe of any Vacancy of the Office of Town-Clerk, then any Juſtice of the Peace in the ſame County, upon Notice thereof and Requeſt to him by any Freeholder of the ſame town, is hereby required to give Notice, in the Manner herein

Freeholders and Inhabitants to hold Town-Meetings on the *firſt* Tueſday in *April* every Year, and then chuſe Town Officers, *viz.* Superviſor, Town-Clerk, Aſſeſſors, Collectors, Overſeers of the Poor, Commiſſioners of Highways, Conſtables, Overſeers of the Highways, Fence-Viewers and Pound-Maſters.

And in Caſe of Death or Refuſal of any ſuch Officers to ſerve, to meet again and chuſe others.

Town-Clerk to give Notice of ſuch Death or Refuſal, and of the Time for chuſing others.

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herein after mentioned, of a Town-Meeting in the ſame Town for the Purpoſe aforeſaid.

Firſt Town-Meeting after the paſſing of this Act, where to be held.

VIII. *And be it further Enacted by the Authority aforeſaid*, That the firſt Town-Meeting in each of the ſaid Towns after this Act ſhall take Effect, ſhall be held at the Place in each reſpective Town where ſuch Meeting in the ſame Diſtrict ought to have been held if this Act had not been made, and where there is no ſuch Place, or more than one ſuch Place in any Town, then at ſuch Place as the Juſtices of the Peace reſiding in ſuch Town, or the major Part of them, ſhall direct and appoint. And that all Town-Meetings thereafter to be held in each reſpective Town, ſhall be held at ſuch Place in each Town reſpectively, as the Freeholders and Inhabitants of ſuch Town, at their Town-Meeting, ſhall, from Time to Time, direct and appoint.

Town-Meetings thereafter, where to be held.

Freeholders and Inhabitants of the City of *Albany* to chuſe one Superviſor, two Aſſeſſors, one Collector, one Overſeer of the Poor and two Conſtables in each Ward.

IX. *And be it further Enacted by the Authority aforeſaid*, That the Freeholders and Inhabitants of the City of *Albany*, ſhall and may, and they are hereby required, yearly and every Year, on the *firſt* Tueſday in *May*, to elect and chuſe one Superviſor, two Aſſeſſors, one Collector, and one Overſeer of the Poor, being Freeholders and Inhabitants of the ſaid City, and two Conſtables, being Inhabitants of the ſame City, in each of the Wards of the ſaid City. *And further*, That the Freemen of the City of *Hudſon*, being Inhabitants thereof, ſhall and may, and they are hereby required, yearly and every Year, at their annual Election of Officers within the ſaid City of *Hudſon*, to elect and chuſe one Superviſor, and ſuch Number of Aſſeſſors, Collectors, Conſtables and Overſeers of the Poor of the ſame City, as the Common Council for the ſame City ſhall, from Time to Time, deem neceſſary, and direct to be choſen.

Freemen of *Hudſon* to elect a Superviſor, Aſſeſſors, Collectors, Conſtables and Overſeers of the Poor.

When any Cities or Towns neglect to chuſe their Officers, three Juſtices of the Peace may appoint them by Warrant.

X. *And be it further Enacted by the Authority aforeſaid*, That if any or either of the ſaid Cities, Towns or Places, ſhall neglect to chuſe ſuch Officers as aforeſaid, or any or either of them, or in Caſe any or either of the Officers ſo choſen in and for any City, Town or Place aforeſaid, ſhall refuſe to ſerve, or die, or remove out of the City, Town or Place for which he ſhall be choſen, or become incapable of ſerving before the next annual Town-Meeting or Election after he ſhall be choſen, and the City, Town or Place, for which he was choſen, ſhall not, within fifteen Days next after ſuch Refuſal, Death, Removal or Incapacity happens, chuſe another in the Room of ſuch Perſon ſo refuſing to ſerve, or dying, or removing, or becoming incapable of ſerving, then, and in every ſuch Caſe, it ſhall and may be lawful for any three of the Juſtices of the Peace in the ſame County, reſiding in ſuch City, or in or near to ſuch Town, and they are hereby required to nominate, and by Warrant under their Hands and Seals, to appoint all and every ſuch Officers as aforeſaid, as the Freeholders and Inhabitants of the ſame City, Town or Place, ought to have choſen as aforeſaid; and each and every of the ſaid Officers ſo appointed, ſhall hold his Office for ſo long Time, and have the ſame Powers, and be liable to the ſame Penalties, as if he had been elected to the ſame Office by the Freeholders and Inhabitants of ſuch City, Town or Place.

Superviſors, Town-Clerks, Aſſeſſors, Commiſſioners of Highways, Overſeers of the Poor and Conſtables, to take an Oath before they enter on their Offices.

XI. *And be it further Enacted by the Authority aforeſaid*, That each and every Superviſor, Town-Clerk, Aſſeſſor, Commiſſioner of Highways, Overſeer of the Poor and Conſtable, hereafter to be elected or appointed, ſhall, before he enters upon the Execution of his Office, and within eight Days after ſuch Election or Appointment, take and ſubſcribe an Oath before ſome Juſtice of the Peace, in the Form herein after preſcribed for ſuch Officers reſpectively to take; *That is to ſay*, Every Superviſor ſhall take and ſubſcribe an Oath in the following Form, *to wit:*

I ——

I ——— ———, *do ſolemnly and ſincerely promiſe and ſwear, That I will in all Things, to the Beſt of my Knowledge and Ability, faithfully and impartially execute and perform the Truſt repoſed in me as Superviſor of the* (here inſert the Name of the Place) *in the County of* (here inſert the Name of the County) *and that I will not paſs any Account, or any Article thereof, wherewith I ſhall think the ſaid County is not juſtly chargeable, nor will I diſallow any Account, or any Article thereof, wherewith I ſhall think the ſaid County is juſtly chargeable.*

Form of Oath of Superviſor.

AND every Town-Clerk ſhall take and ſubſcribe an Oath in the following Form, *to wit:*

I ——— ———, *Town-Clerk of the Town of* ———, *in the County of* ———, *do ſolemnly and ſincerely promiſe and ſwear, That I will faithfully and honeſtly keep all the Books, Records, Writings and Papers, by Virtue of my ſaid Office of Town-Clerk committed, and which ſhall from Time to Time be committed unto me; and in all Things, to the Beſt of my Knowledge and Underſtanding, well and faithfully perform the Duties of my ſaid Office of Town-Clerk, without Favour or Partiality.*

Town-Clerk.

AND every Aſſeſſor ſhall take and ſubſcribe an Oath in the following Form, *to wit:*

I ——— ———, *do ſolemnly and ſincerely promiſe and ſwear, That I will honeſtly and impartially aſſeſs the ſeveral Perſons and Eſtates within the* (here inſert the Name of the Place) *in the County of* (here inſert the Name of the County) *and that in making ſuch Aſſeſſments I will, to the Beſt of my Knowledge and Judgment, obſerve the Directions of the ſeveral Laws of this State directing and requiring ſuch Aſſeſſments to be made.*

Aſſeſſor.

AND every Commiſſioner of Highways ſhall take and ſubſcribe an Oath in the following Form, *to wit:*

I ——— ———, *do ſolemnly and ſincerely promiſe and ſwear, That I will in all Things, to the Beſt of my Knowledge and Underſtanding, well and faithfully execute the Truſt repoſed in me as a Commiſſioner of Highways for* (here inſert the Name of the Town and County) *without Favour or Partiality.*

Commiſſioner of Highways.

AND every Overſeer of the Poor and Conſtable ſhall take and ſubſcribe an Oath in the following Form, *to wit:*

I ——— ———, *do ſolemnly and ſincerely promiſe and ſwear, That I will, in all Things, to the Beſt of my Knowledge, Underſtanding and Ability, well and faithfully execute and perform the Truſt repoſed in me as an Overſeer of the Poor, or Conſtable* (as the Caſe may be) *of the* (here inſert the Name of the Place) *in the County of* (here inſert the Name of the County.)

Overſeer of the Poor and Conſtable.

AND *further*, That every Juſtice of the Peace before whom ſuch Oath ſhall be taken and ſubſcribed as aforeſaid, ſhall, without Fee or Reward, certify under the ſame Writing, the Day and Year when the ſame Oath was taken, and ſubſcribe his Name thereto, and then deliver the ſame Writing to the Perſon taking the ſame Oath, who ſhall, within eight Days thereafter, tranſmit or deliver the ſame to the Clerk of the Town for which ſuch Officer ſo taking ſuch Oath was elected or appointed. And if any Superviſor, Aſſeſſor, Commiſſioner of Highways, Overſeer of the Poor or Conſtable of any Town, ſhall not take and ſubſcribe ſuch Oath as aforeſaid, and tranſmit or deliver the ſame to the Town-Clerk as aforeſaid, within the Time hereby limited; or if any Collector or Conſtable ſhall not give ſuch Security as is by Law required, within the Time for that Purpoſe limited; then, and in every ſuch Caſe, ſuch Neglect ſhall be deemed a Refuſal to ſerve in ſuch Office; and the Town in which ſuch Officer was choſen, may thereupon proceed to a new Choice.

Juſtice before whom ſuch Oath is taken to certify the ſame in writing, which ſhall be tranſmitted to the Town-Clerk.

Neglect to take ſuch Oath, to be conſidered as a Refuſal to ſerve.

XII. *And*

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Any Perſon choſen or appointed Superviſor, Town-Clerk, Aſſeſſor, Collector, Commiſſioner of Highways, Overſeer of the Poor or Conſtable, refuſing to ſerve, to forfeit 25l.

XII. *And be it further Enacted by the Authority aforeſaid*, That if any Perſon hereafter choſen or appointed a Superviſor, Town-Clerk, Aſſeſſor, Collector, Commiſſioner of Highways, Overſeer of the Poor or Conſtable as aforeſaid, ſhall refuſe to take upon him, or to ſerve in ſuch Office, or if any ſuch Superviſor, Town-Clerk, Aſſeſſor, Commiſſioner of Highways or Overſeer of the Poor, ſhall proceed in the Execution of ſuch Office before he ſhall have taken and ſubſcribed ſuch Oath as aforeſaid, or if any ſuch Collector or Conſtable ſhall proceed in the Execution of his Office before he ſhall have given ſuch Security as is or ſhall be required by Law, then, and in every ſuch Caſe, every Perſon ſo neglecting, or refuſing, or doing, ſhall forfeit to the People of this State the Sum of *Twenty-five Pounds*, to be recovered by Action of Debt, Bill, Plaint or Information, in any Court of Record; and the Attorney-General of this State for the Time being, is hereby directed and required to ſue and proſecute for all ſuch Penalties and Forfeitures, and to pay the ſame when recovered to the Treaſurer of this State, for the Uſe of the People of this State. And in every ſuch Action, Suit or Information, it ſhall be ſufficient to ſet forth, that the Defendant, at a certain Time and Place, became indebted to the People of the State of *New-York* in the Sum of *Twenty-five Pounds*, as a Forfeiture incurred, by Reaſon that the Defendant having been elected or appointed (as the Caſe may be) a Superviſor, Town-Clerk, Aſſeſſor, Collector, Commiſſioner of Highways, Overſeer of the Poor or Conſtable, as the Caſe may be, did refuſe to take upon him, and to ſerve in his ſaid Office, or did proceed in the Execution of his ſaid Office, without taking and ſubſcribing the Oath by Law required, or without giving the Security by Law required, as the Caſe may be, contrary to the Form of the *Act for dividing the Counties of this State into Towns*, to be paid to the People of the State of *New-York* aforeſaid, when he ſhould be thereunto afterwards required, and to give the ſpecial Matter in Evidence.

To be recovered by the Attorney-General in any Court of Record.

Any Perſon choſen or appointed an Overſeer of the Highways, Fence-Viewer or Pound-Maſter, refuſing to ſerve, to forfeit 5l.

XIII. *And be it further Enacted by the Authority aforeſaid*, That if any Perſon hereafter choſen or appointed an Overſeer of the Highways, Fence-Viewer or Pound-Maſter, ſhall neglect or refuſe to take upon him the ſaid Office, then, and in every ſuch Caſe, ſuch Perſon ſo neglecting or refuſing, ſhall forfeit and pay the Sum of *Five Pounds*, to be recovered with Coſts, before any Juſtice of the Peace, by Action of Debt; the one Moiety thereof to the Uſe of the Poor of the Town for which ſuch Officer was choſen or appointed, and the other Moiety thereof, with the Coſts of Suit, to the Uſe of any Perſon who ſhall proſecute for the ſame to Effect.

On the Death, or Expiration of Office, of any Town-Clerk, the Records to be deliver'd to his Succeſſor.

Forfeiture for Neglect to deliver ſuch Records.

Said Forfeiture to be ſued for and recovered by the Attorney-General.

XIV. *And be it further Enacted by the Authority aforeſaid*, That upon the Death or Expiration of the Office of the Town-Clerk of any Town, all the Records, Books, Writings and Papers, belonging to the ſame Office, ſhall be delivered to the Succeſſor in Office, upon the Oath of the preceding Town-Clerk, or in Caſe of his Death, upon the Oath of his Executors or Adminiſtrators; and if any ſuch preceding Town-Clerk, or his Executors or Adminiſtrators, ſhall refuſe or neglect to deliver the ſame upon Oath as aforeſaid, being lawfully demanded, every ſuch Perſon ſhall forfeit to the People of this State, for every ſuch Refuſal or Neglect, the Sum of *One Hundred Pounds*, to be recovered by Action of Debt, Bill, Plaint or Information, in any Court of Record; and the Attorney-General of this State for the Time being, is hereby directed and required to ſue for ſuch Forfeiture, and to pay the ſame, when recovered, to the Treaſurer of this State, for the Uſe of the People of this State. And in every ſuch Action, Suit or Information, it ſhall be ſufficient to ſet forth that the Defendant, on the Day ſuch Demand was made, became indebted to the People of the State of *New-York*, in the Sum of *One Hundred Pounds*, as a Forfeiture incurred, by Reaſon that the Defendant did neglect and refuſe to deliver to the ſucceeding Town-Clerk, the Records, Books,

Books, Writings and Papers belonging to the ſame Office, contrary to the Form of the *Act for dividing the Counties of this State into Towns*, to be paid to the People of the State of *New-York* when he ſhould be thereunto required, and to give the ſpecial Matter in Evidence.

Freeholders and Inhabitants, at their Town-Meetings, may make Regulations for improving their common Lands, and making and amending their Fences.

XV. *And be it further Enacted by the Authority aforeſaid*, That the Freeholders and Inhabitants of each and every of the ſaid Towns ſhall be, and are hereby authoriſed and empowered, at their reſpective annual Town-Meetings, or at any other Town-Meeting held for that Purpoſe in their reſpective Towns, from Time to Time, to make, eſtabliſh, conſtitute and ordain, ſuch prudential Rules, Orders and Regulations, as the Majority of the Freeholders and Inhabitants of ſuch Towns reſpectively, ſo aſſembled at their reſpective Town-Meetings, and having a Right to vote there, ſhall, from Time to Time judge neceſſary and convenient, for the better improving of their common Lands in Tillage, Paſturage or any other reaſonable Way; and for making, maintaining and amending their partition and circular Fences, for their Lands, Gardens, Orchards and Meadows; and for aſcertaining and directing the Uſe and Management, and the Times and Manner of uſing their common Lands and Meadows, and other Commons; and the Times, Places and Manner of permitting or preventing Cattle, Horſes, Sheep and Swine, or any of them, to go at large; and for impounding all Manner of Cattle and Creatures whatſoever; and for aſcertaining the Sufficiency of all Partition, and other Fences; and for making and maintaining ſuch and ſo many Pounds, and at ſuch Places as may be neceſſary and convenient; and for aſcertaining and limiting the Fees to be taken by the Fence-Viewers reſpectively; and to impoſe ſuch Penalties on the Offenders againſt ſuch Rules, Orders and Regulations, or any or either of them, as the Majority of ſuch Freeholders and Inhabitants ſo aſſembled, ſhall from Time to Time deem proper, not exceeding *Five Pounds* for each Offence; to be recovered with Coſts of Suit, by the Superviſor for the Time being of the Town where the Offence ſhall be committed, in the Name of the Superviſor of ſuch Town, for the Uſe of the ſame Town, by Action of Debt, before any Juſtice of the Peace reſiding in any other Town in the ſame County. And no ſuch Action ſhall be abated or diſcontinued by the Death or Expiration of the Office of ſuch Superviſor, but may be continued and proſecuted to Effect by his Succeſſor in Office. And all ſuch Penalties, when recovered, ſhall be applied and diſpoſed of for the Uſe of the Town where ſuch Offence ſhall be committed, in ſuch Manner and for ſuch Purpoſes, as the Freeholders and Inhabitants of the ſame Town where ſuch Offence ſhall be committed, at their Town-Meetings, or the Majority of them there aſſembled, ſhall, from Time to Time, direct and appoint. *And further*, That all ſuch Rules, Orders and Regulations, ſo to be made as aforeſaid in each Town, ſhall be entered and recorded by the Town-Clerk of the ſame Town, in a Book by him to be provided for that Purpoſe, and ſhall remain and be in full Force until the ſame ſhall be revoked or altered, or new made in the Manner aforeſaid, at ſome ſubſequent Town-Meeting; all which Alterations and new Rules, Orders and Regulations, ſhall alſo, from Time to Time, be entered and recorded as aforeſaid, and ſhall continue and be in Force until revoked, altered or new made, as aforeſaid.

For directing the Uſe and the Times, and Manner of uſing their Commons;

And permitting or preventing Cattle, Horſes, Sheep and Swine, to go at large;

For impounding Creatures;

For aſcertaing the Sufficiency of Fences;

For making Pounds;

And for aſcertaining the Fees of Fence-Viewers;

And impoſe Penalties on Offenders againſt ſuch Regulations, not exceeding 5l.

How ſuch Penalties are to be recovered;

And how applied.

Such Regulations to be entered and kept in a Book by the Town-Clerk.

Freeholders and Inhabitants, at their Town-Meetings, may make proviſion for deſtroying noxious wild Animals;

XVI. *And be it further Enacted by the Authority aforeſaid*, That it ſhall and may be lawful for the Freeholders and Inhabitants of each and every of the ſaid Towns, at their reſpective annual Town-Meetings, or at any other Town-Meeting held for that Purpoſe, to make ſuch Proviſions and allow ſuch Rewards, for the Deſtruction of Wolves, Wild-Cats, Foxes, Crows, Black-Birds, and other noxious wild Animals and Birds; and to direct ſuch Sum of Money to be raiſed in ſuch Town for that Purpoſe, and for proſecuting or

And direct Money to be raiſed for that Pur-

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poſe, and for proſecuting or defending their common Rights.

defending the common Rights of ſuch Town, as the major Part of the ſaid Freeholders and Inhabitants ſo aſſembled at any ſuch Town-meeting ſhall deem neceſſary and proper; which Money ſhall be raiſed and levied, together with and in the ſame Manner as the Money raiſed in ſuch Town for the Support of the Poor, ſhall be raiſed and levied.

Special Town-Meetings to be notified by the Town Clerk *eight* Days before Hand.

XVII. *And be it further Enacted by the Authority aforeſaid*, That whenever it ſhall be neceſſary to hold a Town-Meeting in either of the ſaid Towns for any of the Purpoſes aforeſaid, at any Time between any of the ſaid annual Town-Meetings, due Notice thereof ſhall be given by the Town Clerk, in Writing under his Hand, ſpecifying the Time, Place and Purpoſes of ſuch Town-Meeting, and fixed up at four or more of the moſt public Places in the ſame Town, at leaſt *eight* Days before the Time therein appointed for holding ſuch Town-Meeting. And the Town Clerk of each of the ſaid Towns, is hereby directed and required to give ſuch Notice whenever it ſhall be neceſſary to hold ſuch Town-Meeting, for electing any of the Officers aforeſaid, in ſuch Town, or he ſhall be required to do ſo by any *twelve* or more Freeholders of ſuch Town.

Clerk to give ſuch Notice when any Officer is to be choſen, or at the Requeſt of 12 Freeholders.

Where Lands of two or more Perſons join, diviſion Fence how to be made, and Diſputes to be ſettled by the Fence-Viewers.

XVIII. *And be it further Enacted by the Authority aforeſaid*, That where the Lands or Meadow of any two or more Perſons ſhall join each other, each of them ſhall make and maintain a juſt Proportion of the Diviſion or Partition Fence, between them, except ſuch Perſons as ſhall chuſe to let their Lands or Meadows lay vacant and open, and in Caſe any Diſputes ſhall ariſe concerning the Part or Proportion of the Fence to be made and maintained by either Party, the ſame ſhall be ſettled by the Fence-Viewers of ſuch Place where ſuch Lands or Meadow ſhall be ſituated, or any two of them, whoſe Deciſion ſhall be concluſive; and if any Perſon ſhall neglect or refuſe to make and maintain his or her Part or Proportion of ſuch Fence, or ſhall permit the ſame to be out of repair, every ſuch Perſon ſhall be liable to, and ſhall pay all and every ſuch Damages as ſhall accrue to his or her Neighbour or Neighbours thereby, to be appraiſed and aſcertained by the Fence-Viewers of the ſame Place, or any two of them, not intereſted therein, being firſt ſworn well and truly, and without any Favour or Partiality, to appraiſe and aſcertain the true and real Value of ſuch Damages, according to the Beſt of their Knowledge, Skill and Judgment; and to be recovered with Coſts, in any Court having Cognizance of the ſame. And in Caſe the Party ſo neglecting or refuſing, ſhall continue ſuch Neglect or Refuſal for the Space of *one* Month after Notice and Requeſt to make or repair ſuch Fence, then, and in every ſuch Caſe, it ſhall be lawful for the Party injured or aggrieved thereby, to make or repair all the ſaid Fence at the Expence of the Party ſo neglecting or refuſing, to be recovered with Coſts of Suit, in any Court having Cognizance of the ſame. And in Caſe any Perſon or Perſons who ſhall have made his, her or their Proportion of any ſuch Fence, ſhall conclude or be diſpoſed to throw up his, her or their ſaid Lands or Meadow, for common Feeding, or to let the ſame lay open, he, ſhe or they ſhall give *three* Months Notice thereof to the Perſon or Perſons in Poſſeſſion of the Lands or Meadow adjoining, and if ſuch Fence ſhall be removed without giving ſuch Notice, or before the Expiration of the ſaid *three* Months, then, and in every ſuch Caſe, the Perſon or Perſons ſo removing or cauſing ſuch Fence to be removed, ſhall be liable to make good all ſuch Damages as the Party injured and aggrieved by ſuch Removal, ſhall ſuſtain thereby, to be recovered as aforeſaid, with Coſts.

Any Perſon may throw open his Land for common feeding upon giving *three* Months Notice.

XIX. AND *whereas* in ſome Parts of this State, the Fences incloſing Meadow and low Land, are frequently injured, deſtroyed or carried away by Floods and high Tides, which generally happen in the Spring of the Year,

Year, and the Owners of ſuch Meadow or low Land loſe a great Part of the Profits thereof for the whole Year, unleſs the ſaid Fence be ſpeedily repaired or new made; Therefore, *Be it further Enacted by the Authority aforeſaid*, That in all Caſes where any ſuch Partition Fence ſhall be ſo injured, deſtroyed or carried away, every Perſon who ought by Law to make or repair the ſame, ſhall make or repair the ſame, or his or her juſt Proportion thereof, within *ten* Days after he or ſhe ſhall be thereunto required by any Perſon intereſted therein; and if any Perſon ſhall refuſe or neglect to make or repair his or her Proportion of ſuch Fence, for the Space of *ten* Days after ſuch Requeſt as aforeſaid, then and in every ſuch Caſe, it ſhall be lawful for the Party injured or aggrieved thereby, to make or repair all the ſaid Fence, at the Expence of the Party ſo neglecting or refuſing, and he or ſhe ſhall and may recover the ſame, with Coſts, in any Court having Cognizance thereof.

Fences encloſing low Land and Meadow, which may be carried away or injured by Floods, how to be repaired.

XX. *And be it further Enacted by the Authority aforeſaid*, That when any Diſtreſs ſhall be made of any Beaſts doing Damage, the Perſon diſtraining ſhall, as ſoon as conveniently may be, and within *Twenty-four* Hours thereafter, make Application to the two neareſt Fence-Viewers in the ſame Town, to appraiſe and aſcertain the Damage, who ſhall immediately thereupon go to the Place where ſuch Damage ſhall be committed, and view the Damage done, and appraiſe, aſcertain and certify under their Hands, the Amount thereof, with their Fees for the ſame, being firſt ſworn well and truly, and without any Favour or Partiality, to appraiſe the true and real Amount of ſuch Damage, according to the beſt of their Knowledge, Skill and Judgment; and if any Diſpute ſhall ariſe concerning the Sufficiency of the Fence, it ſhall be determined by the ſame Fence-Viewers, whoſe Deciſion ſhall be concluſive; and the Perſon making the Diſtreſs, ſhall, as ſoon as he ſhall think proper, and within *Forty-eight* Hours after making ſuch Diſtreſs, unleſs the Damage ſhall be ſooner paid, cauſe the Beaſts ſo diſtrained to be put in the neareſt Pound in the ſame County, where they ſhall remain until the Sum ſo certified by the Fence-Viewers, with the Fees of the Pound-Maſter, ſhall be paid, or the Beaſts ſo impounded be replevied.

Where Diſtreſs is made of any Beaſts doing Damage, how the Damage is to be aſcertained.

XXI. *And be it further Enacted by the Authority aforeſaid*, That it ſhall and may be lawful for the Common Council for the Time being, of the reſpective Cities of *New-York*, *Albany* and *Hudſon*, to make ſuch Orders, Rules, and Regulations for the making, amending, and maintaining the Fences in the ſaid Cities reſpectively, as well Partition Fences as others, as they ſhall from Time to Time judge moſt proper and convenient.

Common Council of *New-York*, *Albany* and *Hudſon* to make Rules relating to Fences in their ſeveral Cities.

XXII. *And be it further Enacted by the Authority aforeſaid*, That there ſhall be made and kept one good and ſufficient Pound in each City and Town of this State, and that it ſhall and may be lawful for the Common Council of the reſpective Cities of *New-York*, *Albany* and *Hudſon*, from Time to Time to appoint Keepers of the Pounds in their reſpective Cities, who ſhall reſpectively hold their Offices during the Pleaſure of the ſaid Common Council, and that the ſaid reſpective Keepers of the ſaid Pounds and the reſpective Pound-Maſters in each reſpective Town, ſhall and may have, receive and take for all Beaſts that ſhall be put into the Pound of which he is Keeper or Maſter, the following Fees, *to wit:* For taking in and diſcharging every Horſe, Gelding, Mare or Colt, and all Neat Cattle, *One Shilling* each, and for every Sheep or Lamb, *Three Pence*, and for every Hog, Shoat or Pig, *Six Pence;* which Fees ſhall be paid to the ſaid Keeper or Pound-Maſter, by the Owner or Owners of the Beaſts impounded, or ſome Perſon or Perſons for him, her or them, before the ſaid Beaſts ſhall be releaſed or diſcharged from ſuch Pound, unleſs the Keeper or Maſter of ſuch Pound, ſhall otherwiſe

One ſufficient Pound to be kept in each City and Town, and Keepers thereof to be appointed.

Fees allowed to Pound-Keepers for impounding of Beaſts, to be paid before the Beaſts are releaſed.

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otherwiſe agree concerning the ſame. And if the Owner of any Beaſts impounded for doing Damage, ſhall not pay the Damage and the Fees of the Keeper or Maſter of the Pound, with reaſonable Charges for keeping and feeding them, not exceeding *Three Pence* for each Beaſt for every *Twenty-four* Hours each ſuch Beaſt ſhall be impounded and fed, within *ſix* Days after ſuch Beaſts ſhall be impounded, or replevy the ſame Beaſts, then it ſhall and may be lawful for ſuch Keeper or Maſter of ſuch Pound, to ſell ſuch Beaſts at public Vendue, giving at leaſt *Forty-eight* Hours previous Notice of ſuch Sale, by Advertiſement, to be ſet up at the ſaid Pound, and at the neareſt public Place to the ſaid Pound, and out of the Monies ariſing from ſuch Sale, to pay the ſaid Damage, and retain in his Hands his Fees and Charges of feeding and keeping the ſame Beaſts, and of ſuch Sale, and return the Overplus to the Owner of the ſame Beaſts; and if no ſuch Owner ſhall appear and claim ſuch Overplus within *ſix* Calender Months after ſuch Sale, the ſame ſhall be paid to the Overſeers of the Poor of the City or Town where ſuch Beaſts were impounded, for the Uſe of the Poor of ſuch City or Town.

And if not paid within *ſix* Days, together with the Damages and Expence of feeding them, then the Beaſts may be ſold.

This Act when to take Effect.

XXIII. *And be it further Enacted by the Authority aforeſaid*, That this Act ſhall take Effect and be in Force from and after the firſt Day of *April*, in the Year of our Lord One Thouſand Seven Hundred and Eighty-nine, except with Reſpect to the County of *Weſtcheſter*, and that with Reſpect to the ſaid County it ſhall take Effect within *twenty* Days after the Paſſing thereof.

CHAP. LXV.

An ACT *for defraying the Public and neceſſary Charge in the reſpective Counties of this State.*

Paſſed 7th March, 1788.

I. BE *it Enacted by the People of the State of* New-York, *repreſented in Senate and Aſſembly, and it is hereby Enacted by the Authority of the ſame*, That the Aſſeſſors of each reſpective City, Town and Place, in every County of this State, ſhall yearly and every Year, as ſoon as conveniently may be after they are choſen and qualified, proceed to enquire into the Value of the real and perſonal Eſtate of every Freeholder and Inhabitant within the City, Town or Place, whereof they are Aſſeſſors; and ſhall make out a true and exact Liſt of the Names of all the Freeholders and Inhabitants of the reſpective Cities, Towns and Places, for which they ſhall be choſen Aſſeſſors; and of ſuch who have Eſtates therein, and do not reſide there; and oppoſite to the Name of every ſuch Perſon ſhall ſet down the real Value of all his, or her whole Eſtate, real and perſonal in the ſame City, Town or Place, as near as they can diſcover the ſame, and ſhall ſet down the Value of the real Eſtate of each Perſon as aforeſaid, in one Column, and the Value of the perſonal Eſtate of each Perſon as aforeſaid, in another Column of the ſame Liſt or Aſſeſſment, leaving Room ſufficient oppoſite thereto to inſert the Sum each Perſon is to pay; and ſhall complete and deliver the ſame Liſt or Aſſeſſment, ſigned by ſuch Aſſeſſors, or the major Part of them, to the Superviſors of the County in which ſuch City, Town or Place is or ſhall be ſituated, or their Clerk, on or before the laſt Tueſday in *May* next after their Election, yearly and every Year; and if any Aſſeſſor ſhall refuſe or neglect to perform the Duty hereby required of him, every Aſſeſſor ſo refuſing or neglecting, ſhall forfeit and pay for every ſuch Offence, the Sum of *Twenty-five Pounds*, to be ſued for and recovered for the Uſe of the County where ſuch Offence ſhall be committed, with Coſts, in any Court of Record, by Action of Debt, Bill, Plaint or Information, and in the Name of the Superviſors of the ſame County; and in every ſuch Action, Suit or Information, it ſhall be ſufficient for the Plaintiffs to ſet forth, that the Defendant at a certain Time and Place became

Aſſeſſors of each City and Town yearly, to inquire into the Value of the Eſtates of the Freeholders and Inhabitants, and make a Liſt of their Names.

And oppoſite ſuch Name to ſet down the Value of each Perſon's Eſtate.

And to deliver ſuch Liſts to the Superviſors of the Connty.

Aſſeſſor for Neglect of ſuch Duty, to forfeit 25l.

How to be recovered.

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became indebted to the Supervisors of the ſaid County, in the ſaid Sum of *Twenty-five Pounds*, as a Forfeiture incurred for refuſing and neglecting to perform the Duty required of him by Virtue of an Act, entitled, *An Act for defraying the Public and neceſſary Charge in the reſpective Counties of this State*, to be paid to the Supervisors of the ſaid County, when he ſhould be thereunto required, and to give the ſpecial Matter in Evidence: And all ſuch Penalties, when recovered, ſhall be applied to the Uſe of the County where the Offence was committed, in ſuch Manner, and for ſuch Purpoſes as the Supervisors of the ſame County for the Time being, ſhall direct and appoint.

Such Penalties to be applied to the Uſe of the County.

II. *And be it further Enacted by the Authority aforeſaid*, That the Supervisors of each City, Town and Place, in each of the reſpective Counties of this State, ſhall yearly, on the laſt Tueſday of *May* in every Year, meet together at the Court-Houſe of the ſame County, and at ſuch other Time or Times, and Place or Places, as they ſhall find and judge neceſſary and convenient, and examine, overſee, ſettle and allow all ſuch Accounts as the ſame County is or ſhall be chargeable with; and examine, compute and aſcertain what Sum of Money ought to be raiſed in the ſame County in that Year, for the Payment of ſuch Accounts, and for defraying the public and neceſſary contingent Charges of the ſame County; and ſhall add to the ſame, all ſuch other Sum and Sums of Money, as are or ſhall be impoſed or laid on the ſame County by any Law of this State, and to be raiſed in that Year in the ſame County, and ſhall then fix and aſcertain by ſuch Ways, and in ſuch Manner as they ſhall judge to be juſt and equitable, what Proportion or how much of ſuch whole Sum then to be raiſed in the ſame County, ought to be raiſed and paid by each City, Town and Place in the ſame County; and ſhall then add to the Sum ſo to be raiſed and paid by each City, Town and Place in the ſame County, the Sum to be raiſed in that Year, by the ſame City, Town or Place, for the Maintenance and Support of the Poor of the ſame City, Town or Place; and ſhall thereupon cauſe a Computation to be made what each Pound of the Sum total of the Valuation of the Eſtates in each City, Town and Place, ought to pay of the Sum ſo to be raiſed in the ſame City, Town or Place, and cauſe the Sum to be paid by each Perſon to be inſerted in the ſame Liſts or Aſſeſſments oppoſite to his or her Name; and ſhall then, and before the firſt Day of *September*, in every Year, tranſmit the Liſt or Aſſeſſment of each City, Town and Place, ſo compleated, to the Collector of the ſame City, Town or Place, with a Warrant under their Hands and Seals thereto annexed, commanding the ſame Collector to collect of and from all and every the Perſon and Perſons named in the ſaid Liſt or Aſſeſſment, the ſeveral and reſpective Sums mentioned and contained in the laſt Column of the ſaid Liſt or Aſſeſſment, and oppoſite to their reſpective Names, and to pay ſuch Part thereof as ſhall be raiſed for the Maintenance and Support of the Poor of the ſame City, Town or Place, to the Overſeers of the Poor of the ſame City, Town or Place, and the Reſidue thereof to the Treaſurer of the County in which ſuch City, Town or Place is ſituated, on or before the firſt Tueſday of *February* then next. And in Caſe any Perſon or Perſons ſhall refuſe or neglect to pay the Sums at which his, her or their Eſtate or Eſtates ſhall be rated or taxed as aforeſaid, the Collector to whom the ſame ought to be paid, ſhall be, and hereby is authoriſed and required to levy the ſame, by Diſtreſs and Sale of the Goods and Chattels of the Perſon or Perſons who ought to pay the ſame; and if the Goods and Chattels ſo diſtrained ſhall be ſold for more than the Amount of ſuch Tax, and the Charges of the Diſtreſs and Sale, the Overplus ſhall be returned to the Owner of ſuch Goods and Chattels; and that a Clauſe for this Purpoſe ſhall be inſerted in every ſuch Warrant ſo to be ſent to the reſpective Collectors.

Supervisors to meet annually to examine and allow the Accounts of their County, and determine what Sums muſt be raiſed to pay the ſame.

And ſhall add thereto ſuch Sums as are directed to be raiſed by any Law of this State, and apportion the ſame among the Towns:

And then add to the Sum to be raiſed in each Town, the Sum to be raiſed for the Poor in the ſame Town.

And then compute what each Pound of the Valuation of the Eſtates is to pay, and cauſe the Sum to be paid by each Perſon to be inſerted in the Liſt oppoſite to his Name, and then ſend ſuch Liſt to the Collector,

With a Warrant for collecting the ſame, and Directions how to pay it:

And in Caſe any Perſon refuſes to pay the Sum at which he is rated, Collector to levy the ſame by Diſtreſs.

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Perſons in Poſſeſſion of real Eſtates liable to pay the Tax for the ſame, and Collector may ſell Timber, Wood or Graſs.

III. *And be it further Enacted by the Authority aforeſaid*, That the Perſon in Poſſeſſion of any real Eſtate, at the Time any Tax is to be collected, ſhall be liable to pay the Tax impoſed on ſuch real Eſtate; and in Caſe any other Perſon by Agreement or otherwiſe, ought to pay ſuch Tax, the Poſſeſſor who ſhall pay the ſame, ſhall and may recover the Amount thereof from the Perſon who ought to have paid the ſame. *And further*, That where any Land, Meadow or real Eſtate is or ſhall be taxed, and no Goods or Chattels ſhall be found thereon, whereof ſufficient Diſtreſs can be made for the ſaid Tax, then and in every ſuch Caſe, it ſhall and may be lawful for the Collector, who ought to collect the ſame Tax, and he is hereby authoriſed and required to ſell at public Vendue, giving at leaſt *ſix* Days previous Notice of ſuch Sale, by Advertiſement to be put up at two or more public Places in the ſame Town, ſo much of the Timber, Wood or Graſs, growing or being thereon, as ſhall be ſufficient to pay the ſaid Tax, with the Charges of ſuch Advertiſement and Sale; and it ſhall and may be lawful to and for the Purchaſer, his Executors, Adminiſtrators and Aſſigns, at any Time within *ſix* Months after ſuch Sale, to enter upon ſuch Lands, Meadow or real Eſtate, and to cut, take and carry away ſuch Timber, Wood and Graſs, or in Caſe ſuch Graſs cannot be cut and made into Hay, then to uſe the ſame Graſs for Paſture. *Provided always*, That when it ſhall become neceſſary to ſell Timber or Wood for the obtaining ſuch Tax, *ſix* Weeks Notice, in Manner aforeſaid, ſhall be given by the Collector; and every ſuch Collector is hereby directed and required to pay the Sum in ſuch Warrant directed, to be paid to the Overſeers of the Poor out of the firſt Monies he ſhall collect and receive: And if any ſuch Collector ſhall neglect or refuſe to pay the ſame, by the Time in ſuch Warrant mentioned, it ſhall and may be lawful for the Overſeers of the Poor to whom the ſame ought to be paid, or their Succeſſors in Office, to recover the ſame with Coſts of Suit, in any Court of Record, againſt ſuch Collector, his Heirs, Executors or Adminiſtrators, in an Action of Debt in the Name of the Overſeers of the Poor of the City or Town, for which they are or ſhall be choſen: And it ſhall be ſufficient for the Plaintiff to ſet forth in the Declaration, in any ſuch Suit or Action, that ſuch Collector, at the Time he ought to have paid the ſaid Money, became indebted to the Overſeers of the Poor of the City or Town mentioned in ſuch Warrant, in the Sum thereby directed to be paid to them, by Virtue of an Act, entitled, *An Act for defraying the public and neceſſary Charge in the reſpective Counties of this State*; to be paid to the Overſeers of the Poor of the City or Town aforeſaid, when he ſhould be thereunto required, and to give the ſpecial Matter in Evidence: And no ſuch Suit or Action ſhall be abated or diſcontinued by the Death or by the Expiration of the Office of ſuch Overſeers of the Poor, or any or either of them, but the ſame ſhall or may be continued and proſecuted to Effect, by the Survivors and Succeſſors in Office of the ſame Overſeers. And if any Collector ſhall neglect or refuſe to pay to the County Treaſurer, the Money directed by any ſuch Warrant to be paid to him, by the Time mentioned in ſuch Warrant, then and in every ſuch Caſe, the Treaſurer of the ſame County for the Time being, is hereby authoriſed and required to iſſue a Warrant under his Hand and Seal, directed to the Sheriff of the County, commanding him to levy the ſame, or if a Part is paid, ſo much as ſuch Collector ſhall be deficient, of the Lands and Tenements, Goods and Chattels of ſuch Collector: And if the Lands and Tenements, Goods and Chattels of ſuch Collector, ſhall not be ſufficient to pay the whole Sum directed to be levied, then to take ſuch Collector and confine him in the common Gaol of the ſame County, without Bail or Mainpriſe, there to remain until the Deficiency ſhall be paid; and every Sheriff to whom any ſuch Warrant ſhall be directed and delivered, ſhall immediately cauſe the ſame to be executed, and ſhall, within *thirty* Days after receiving ſuch Warrant, make Return thereof to the Treaſurer of the ſame County, and pay to him the Monies levied by Virtue thereof, deducting for

Collector to pay Overſeers of the Poor out of the firſt Monies he receives, and on Refuſal ſo to do, Overſeers to recover the ſame with Coſts of Suit.

If Collector refuſes to pay the County Treaſurer the Monies directed to be paid to him, how the Treaſurer is to proceed for the Recovery thereof.

for his Fees *Six-pence* in the Pound upon the Sum ſo levied, and no more. But in all Caſes where no Goods or Chattels can be found whereon to levy the Tax impoſed upon any Perſon mentioned in any ſuch Tax Liſt or Aſſeſſment, or not ſufficient to pay the Whole, the Collector ſhall not be charged with more than he ſhall or might have levied or received. And every Collector is hereby directed and required to deliver a true Account, upon Oath, of all ſuch Deficiencies to the County Treaſurer, at the Time he is or ſhall be directed to make ſuch Payment to ſuch County Treaſurer; and if any Collector ſhall neglect or refuſe to deliver ſuch Account, ſuch Collector ſhall be accountable for the whole Sum by him to be collected; and the County Treaſurer ſhall deliver all ſuch Accounts of Deficiencies to the Superviſors of the ſame County, at their next Meeting, after he ſhall have received the ſame; and each Collector ſhall have and retain for his Service out of the Monies by him collected, *One Shilling* for every *Twenty Shillings* he ſhall collect, and no more.

Where no Goods can be found whereon to levy, Collector not to be charged with ſuch Deficiency.

Collector to deliver an Account of ſuch Deficiency to County Treaſurer,

And to be accountable for the Whole in Caſe of Neglect.

County Treaſurer to deliver ſuch Accounts to the Superviſors.

Collector's Allowance.

IV. *And be it further Enacted by the Authority aforeſaid*, That it ſhall and may be lawful for the Superviſors of each County reſpectively, to appoint ſome ſuitable and proper Perſon to be their Clerk, who ſhall be called the Clerk of the Superviſors of the County for which he ſhall be appointed, and ſhall hold his Office during the Pleaſure of the Superviſors of the ſame County, and ſhall have ſuch Allowance for his Services, as the Superviſors of the ſame County ſhall, from Time to Time, think proper to appoint and allow; and ſuch Allowance, and the neceſſary Charges of the Superviſors at their reſpective Meetings, ſhall be conſidered, raiſed and levied as Part of the public and neceſſary contingent Charge of the ſame County.

Superviſors to appoint a Clerk, with an Allowance for his Services, to be paid by the County.

V. *And be it further Enacted by the Authority aforeſaid*, That the Superviſors of each County reſpectively, ſhall be, and hereby are authoriſed and required to appoint ſome reputable Freeholder of the ſame County, to be Treaſurer of the ſame County, who ſhall hold his Office during the Pleaſure of the Superviſors of the ſame County, and ſhall receive all ſuch Monies as ſhall be raiſed in the ſame County, for defraying the public and neceſſary Charge of the ſame County, or for the Uſe and Service of the Government of this State. And all ſuch Monies as ſhall come into his Hands for defraying the public and neceſſary Charges of the ſame County, ſhall be applied and paid by him to ſuch Perſons, and in ſuch Manner as the Superviſors of the ſame County for the Time being, ſhall, by Order entered in their Books, or by Warrant or Warrants under their Hands and Seals, from Time to Time direct; and all ſuch Monies as ſhall come into his Hands for the Uſe or Service of the Government of this State, ſhall be paid by him to the Treaſurer of this State for the Time being, at ſuch Times as ſhall be directed by the Laws, by Virtue whereof the ſame Monies ſhall be raiſed or come into the Hands of ſuch County Treaſurer. And the Treaſurer of each County ſhall keep juſt, true and diſtinct Accounts of the Receipts, Diſburſements and Payments of all Monies which ſhall come into his Hands, as Treaſurer of the County, and enter the ſame in a Book or Books to be kept for that Purpoſe, and once in every Year, at the annual Meeting of the Superviſors of the ſame County, or at ſuch other Time as they ſhall direct, ſhall bring in and exhibit all ſuch Books and Accounts, and all the Vouchers relating to the ſame, to them, for their Examination and Audit thereof: And the Treaſurer of each County, and the Executors and Adminiſtrators of ſuch Treaſurer, ſhall be, and hereby is and are made liable to an Action of Account to the Superviſors of the ſame County, for all Monies which ſhall come into his Hands as Treaſurer of the ſame County; and every ſuch Treaſurer, and his Executors and Adminiſtrators, ſhall and may plead and diſcharge himſelf and themſelves, in ſuch Manner as other Receivers or Bailiffs may, can or ought to do by Law. And the Superviſors of each County

Superviſors to appoint a County Treaſurer, to hold his Office during their Pleaſure.

How ſuch Treaſurer to pay all Monies which ſhall come into his Hands;

And to keep Accounts of the Receipts and Payments of all ſuch Monies, and annually lay the ſame before the Superviſors.

Treaſurer made liable to an Action of Account to the Superviſors.

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County for the Time being, ſhall be, and hereby are empowered to ſue, proſecute and maintain ſuch Actions of Account for the Uſe of their County, in the Name of the Superviſors of the ſame County. *And further*, That each County Treaſurer ſhall have and retain for his Services, *Three-pence* for every *Twenty-Shillings* which he ſhall receive and pay, to wit: *One-penny Half-penny* for receiving, and *One-Penny Half-penny* for paying.

Treaſurer's Allowance.

VI. *And be it further Enacted by the Authority aforeſaid*, That every County Treaſurer in each reſpective County, as ſoon after he ſhall be appointed as conveniently may be, and before he enter upon the Buſineſs of his Office, ſhall enter into a Bond or Obligation, with ſufficient Security, to the Superviſors of the County of which he is appointed Treaſurer, in ſuch Sum as the Superviſors of the ſame County for the Time being, ſhall think proper and direct; with Condition, well and faithfully to execute the Office of Treaſurer of the ſame County, and to pay all ſuch Monies as ſhall come to his Hands as Treaſurer of the ſame County, according to Law; and to render a juſt and true Account thereof to the Superviſors of the ſame County, when thereunto required. And if any Treaſurer of any County ſhall not comply with the Condition of ſuch Bond or Obligation, it ſhall and may be lawful for the Superviſors of the ſame County for the Time being, to commence and proſecute an Action or Actions of Debt on ſuch Bond, in any Court of Record, in the Name of the Superviſors of ſuch County, againſt the Obligors in the ſame Bond, or either of them, or the Heirs, Executors or Adminiſtrators of all, or any or either of them. And all Monies recovered upon any ſuch Bond or Obligation, ſhall be applied towards defraying the public and neceſſary Charge of the ſame County, in ſuch Manner as the Superviſors of the ſame County for the Time being, ſhall direct.

Treaſurer to enter into Bond to the Superviſors of the County for the faithful Performance of his Duty.

And on Non-Performance of the Condition of ſuch Bond, Superviſors to commence a Suit thereon.

Monies recovered on ſuch Bond how to be applied.

VII. *And be it further Enacted by the Authority aforeſaid*, That the Superviſors of each County reſpectively, ſhall yearly and every Year, before they aſcertain the Amount of the Taxes to be raiſed in the ſame County in that Year, carefully examine what Sums remain unpaid of Taxes before laid or aſſeſſed; and where they find any Sum or Sums of Money on any ſuch Tax uncollected, and that the Perſon or Perſons Eſtate or Eſtates charged with the ſame, is or are ſufficient to pay the ſame, they ſhall iſſue their Warrant or Warrants under their Hands and Seals, to the Collectors of the reſpective Cities and Towns for the Time being, where ſuch Sums remain unpaid, for the Collection thereof: And every Collector to whom any ſuch Warrant ſhall be directed, is hereby authoriſed and required to levy and collect all ſuch Sums in ſuch Warrant ſpecified, in the ſame Manner, and under the ſame Penalties as he is or ſhall be authoriſed and required to levy and collect the Taxes for the public and neceſſary Charge of the ſame County; and ſhall pay the ſame to the Treaſurer of the ſame County, at ſuch Time as ſhall be ſpecified in the ſame Warrant. And if any Collector ſhall neglect his Duty herein, he ſhall be chargeable with the Amount of the Monies directed to be levied and collected: And where the ſaid Superviſors ſhall find that any Deficiency of any of the ſaid Taxes has happened in any City, Town or Place, by the Inſolvency, or the Want of Goods and Chattels whereon to levy the ſaid Tax, of any Perſon or Perſons upon whom the ſame was charged, or by the Inſolvency of the Collector, or otherwiſe, they ſhall add ſuch Deficiency to, and cauſe the ſame to be raiſed with and as Part of the Tax to be laid on the ſame City, Town or Place. And in every ſuch Caſe the County Treaſurer ſhall credit and apply the firſt Monies he ſhall receive on ſuch Tax, from ſuch City, Town or Place, to the Payment and Diſcharge of ſuch Deficiency.

Superviſors yearly, before they aſcertain the Sum to be raiſed, to examine what Sums remain unpaid of Taxes before aſſeſſed.

And where they find any Sum uncollected, and the Perſon or Eſtate charged with it ſufficient, they ſhall iſſue their Warrant for the Collection.

Collectors to levy and collect the Sums ſpecified in ſuch Warrant.

And for Neglect, ſhall be chargeable with the Amount.

Where Deficiencies in any Town happen by Inſolvency, the Superviſors to cauſe the ſame to be raiſed as Part of the Tax of the ſame Town.

VIII. *And be it further Enacted by the Authority aforeſaid*, That upon the Death, Reſignation or Removal from Office of any County Treaſurer, all the

On the Death or Removal from Office of any County Trea-

the Books and Papers belonging to the ſame Office ſhall be delivered to his Succeſſor in Office, upon the Oath of the preceding Treaſurer, or in Caſe of his Death, upon the Oath of his Executors or Adminiſtrators; and if any ſuch preceding Treaſurer, or his Executors or Adminiſtrators, ſhall refuſe or neglect to deliver the ſame, upon Oath as aforeſaid, being lawfully demanded, every ſuch Perſon ſhall forfeit and pay, for every ſuch Refuſal or Neglect, the Sum of *Five Hundred Pounds*, to be recovered with Coſts of Suit, by the Superviſors of the ſame County for the Time being, for the Uſe of the ſame County, in the Name of the Superviſors of ſuch County, by Action of Debt, Bill, Plaint or Information in any Court of Record; and in every ſuch Action, Suit or Information, it ſhall be ſufficient for the Plaintiffs to ſet forth, that the Defendant on the Day ſuch Demand was made, became indebted to the Superviſors of ſuch County in the Sum of *Five Hundred Pounds*, as a Forfeiture for refuſing and neglecting to deliver up the Books and Papers belonging to the Office of Treaſurer of ſuch County, according to the Form of an Act, entitled, *An Act for defraying the public and neceſſary Charge in the reſpective Counties of this State*, to be paid to the Superviſors of the ſame County for the Time being, when he ſhould be thereunto required, and to give the ſpecial Matter in Evidence.

ſurer, his Books to be delivered to his Succeſſor in Office.

Forfeiture for Neglect or Refuſal to deliver the ſame.

How to be recovered.

IX. *And be it further Enacted by the Authority aforeſaid*, That the major Part of the Superviſors of any County being met together, at their annual Meeting, or at any other Meeting of the Superviſors of the ſame County, ſhall be deemed a legal Meeting of the Superviſors of the ſame County, and it ſhall and may be lawful for ſuch major Part of them ſo met together, and they ſhall be and hereby are authoriſed and required to do, execute and perform all and every Matter and Thing which the Superviſors of the ſame County are by this Act authoriſed or required to do, execute and perform, as fully in every Reſpect, as if all the Superviſors of the ſame County had attended at ſuch Meeting; and all Queſtions which may ariſe at any ſuch Meeting ſhall be determined according to the Judgment and Opinion of the major Part of the Superviſors attending at ſuch Meeting. *And further*, That no Action or Suit to be commenced or proſecuted by the Superviſors of any County, by Virtue or in Purſuance of this Act, ſhall be abated or diſcontinued, by the Death or the Expiration of the Office of ſuch Superviſors, or any or either of them, but ſhall and may be continued and proſecuted to Effect by the Survivors and Succeſſors in Office of the ſame Superviſors.

Majority of the Superviſors of a County, to conſtitute a legal Meeting.

No Action brought by Superviſors to abate by their Death, or the Expiration of their Office, but be continued and proſecuted by the Survivors and Succeſſors.

X. *And be it further Enacted by the Authority aforeſaid*, That every County Treaſurer ſhall, yearly, on or before the *firſt* Day of *March* in every Year, pay to the Treaſurer of this State all ſuch Monies as he ſhall have received for Taxes impoſed on ſuch County, for the Uſe or Service of the Government of this State, and deliver to the Treaſurer of this State an Account, on Oath, of all ſuch Warrants as he ſhall have iſſued againſt any Collector or Collectors, and for what Sums; and in Caſe any County Treaſurer ſhall not pay the Monies by him received as aforeſaid, by the Time aforeſaid, or ſhall not deliver ſuch Accounts, on Oath, to the Treaſurer of this State as aforeſaid, or ſhall not, in Caſe of Default of any Collector, iſſue his Warrant as aforeſaid, then, and in every ſuch Caſe, it ſhall and may be lawful for the Treaſurer of this State, for the Time being, and he is hereby authoriſed, directed and required, to proceed againſt ſuch County Treaſurer, in like Manner as the County Treaſurers are, by this Act, authoriſed and required to proceed againſt delinquent Collectors.

County Treaſurer, yearly, before the firſt of *March*, to pay to the State Treaſurer all Monies by him received for the Uſe of Government, together with an Account of all Warrants he may have iſſued againſt the Collectors.

XI. *And be it further Enacted by the Authority aforeſaid*, That if any Superviſor or Superviſors, ſhall neglect or refuſe to perform any of the Duties required of him or them by this Act, every Superviſor ſo neglecting or refuſing, ſhall,

Superviſors for Neglect of Duty to forfeit 100l. to be recovered with Coſts, by the State Treaſurer.

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ſhall, for every ſuch Offence, forfeit to the People of this State the Sum of *One Hundred Pounds*, to be recovered, with Coſts, in any Court of Record, by Action of Debt, Bill, Plaint or Information, by the Treaſurer of this State, by and in the Name of the Treaſurer of the State of *New-York*; and in every ſuch Action, Suit or Information, it ſhall be ſufficient for the Plaintiff to ſet forth, that the Defendant, at a certain Time and Place, became indebted to the Treaſurer of the State of *New-York*, in the Sum of *One Hundred Pounds*, as a Forfeiture incurred for refuſing and neglecting to perform the Duties required of him by Virtue of an Act, entitled, *An Act for defraying the public and neceſſary Charge in the reſpective Counties of this State*, to be paid to the Treaſurer of the State of *New-York* for the Time being, when he ſhould be thereunto required, and to give the ſpecial Matter in Evidence.

And no Action to be abated by the Death of ſuch Treaſurer.

And no ſuch Action, Suit or Information, ſhall be abated or diſcontinued, by the Death of the Treaſurer, or by his Reſignation or Removal from Office, but ſhall and may be continued and proſecuted to Effect, by his Succeſſor in Office. All which Penalties when recovered, ſhall remain in the Treaſury of this State, ſubject to the Order of the Legiſlature.

This Act not to extend to the City of *New-York*.

XII. *And be it further Enacted by the Authority aforeſaid*, That this Act ſhall not extend to the City and County of *New-York*.

When to take Effect.

XIII. *And be it further Enacted by the Authority aforeſaid*, That this Act ſhall take Effect, and be in Force from and after the firſt Day of *April*, which will be in the Year of our Lord One Thouſand Seven Hundred and Eighty-nine.

CHAP. LXVI.

An ACT *to enable the Corporation of* Trinity-Church, *in the City of* New-York *to aſſume the Name therein mentioned.*

Paſſed 10th March, 1788.

Preamble.

WHEREAS the Corporation of *Trinity-Church*, in the City of *New-York*, were, by an Act of the Legiſlature of the late Colony of *New-York*, paſſed the Twenty-ſeventh Day of *June*, in the Year One Thouſand Seven Hundred and Four, enabled to ſue and be ſued, plead and be impleaded, anſwer and be anſwered unto, defend and be defended, by the Name of, *The Rector and Inhabitants of the City of* New-York, *in Communion of the Church of* England, *as by Law eſtabliſhed*. *And whereas* the ſaid Act was repealed by the Legiſlature of this State, on the ſeventeenth Day of *April*, in the Year One Thouſand Seven Hundred and Eighty-four, but the ſaid Corporation have continued to uſe the Name therein ſpecified; and by their humble Petition to the Legiſlature of this State, have prayed that they may be enabled to aſſume and uſe the Name of, *The Rector and Inhabitants of the City of* New-York, *in Communion of the Proteſtant Epiſcopal Church in the State of* New-York: Therefore,

Name of the Corporation of *Trinity Church*.

Be it Enacted by the People of the State of New-York, *repreſented in Senate and Aſſembly, and it is hereby Enacted by the Authority of the ſame*, That the ſaid Corporation, ſhall and may, from and immediately after the paſſing of this Act, take and uſe the Name of, *The Rector and Inhabitants of the City of* New-York, *in Communion of the Proteſtant Epiſcopal Church in the State of* New-York, and by the ſame Name ſhall be capable to ſue and be ſued, plead and be impleaded, anſwer and be anſwered unto, defend and be defended; and

All Grants made to, or by them, between certain Times to be valid.

that all Grants, Deeds and Conveyances made to, or by the ſaid Corporation, between the ſaid ſeventeenth Day of *April*, in the Year One Thouſand Seven Hundred and Eighty-four, and the paſſing of this Act, wherein they are named or mentioned by the Name of, *The Rector and Inhabitants of the City of* New-York *in Communion of the Church of* England *as by Law eſtabliſhed*, or any

any other Name or Names, ſhall be good, valid and effectual in the Law, in like Manner as they would have been if the ſaid Act paſſed the Twenty-ſeventh Day of *June*, in the Year One Thouſand Seven Hundred and Four, had never been repealed, or as they would reſpectively have been if the ſaid Corporation had been properly named in ſuch Grants, Deeds or Conveyances.

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CHAP. LXVII.

An ACT *for the more effectual Collection of Taxes in the City and County of* New-York.

Paſſed 11th March, 1788.

I. BE *it Enacted by the People of the State of* New-York, *repreſented in Senate and Aſſembly, and it is hereby Enacted by the Authority of the ſame*, That the Aſſeſſors of each reſpective Ward in the City of *New-York*, ſhall, yearly, between the fifteenth Day of *May* and the firſt Day of *July*, in every Year, proceed to enquire into the Value of the real and perſonal Eſtate of every Freeholder, Inhabitant and Reſident within the Ward whereof they are Aſſeſſors, and ſhall make out a true and exact Liſt of the Names of all the Freeholders, Inhabitants and Reſidents of the reſpective Wards, for which they are or ſhall be choſen Aſſeſſors, and of ſuch who have Eſtates therein, and do not reſide there; and oppoſite to the Name of every ſuch Perſon ſhall ſet down the real Value of all his or her whole Eſtate, real and perſonal, in the ſame Ward, as near as they can diſcover the ſame; and ſhall ſet down the Value of the real Eſtate of each Perſon as aforeſaid, in one Column, and the Value of the perſonal Eſtate of each Perſon as aforeſaid, in another Column of the ſame Liſt or Aſſeſſment, leaving Room ſufficient oppoſite thereto to inſert the Sum each Perſon is to pay; and ſhall complete and deliver the ſame Liſt or Aſſeſſment, ſigned by ſuch Aſſeſſors, to the Mayor, Recorder and Aldermen of the ſaid City, or in the Clerk's Office of the ſaid City, on or before the *firſt* Monday in *July*, yearly and every Year; and if any Aſſeſſor ſhall refuſe or neglect to perform the Duty hereby required of him, every Aſſeſſor ſo refuſing or neglecting, ſhall forfeit and pay, for every ſuch Offence, the Sum of *Twenty-five Pounds*, to be ſued for and recovered with Coſts of Suit, for the Uſe of the City and County of *New-York*, in any Court of Record, by Action of Debt, Bill or Plaint, by and in the Name of the Treaſurer or Chamberlain of the ſaid City. And in every ſuch Action or Suit it ſhall be ſufficient for the Plaintiff to ſet forth, that the Defendant at a certain Time and Place became indebted to the Treaſurer or Chamberlain of the ſaid City in the ſaid Sum of *Twenty-five Pounds*, as a Forfeiture incurred for refuſing and neglecting to perform the Duty required of him by Virtue of an Act, entitled, *An* Act *for the more effectual Collection of Taxes in the City and County of* New-York, to be paid to the Treaſurer or Chamberlain of the ſaid City, when he ſhould be thereunto required, and to give the ſpecial Matter in Evidence. And no ſuch Action or Suit ſhall be abated or diſcontinued, by the Death of the Treaſurer or Chamberlain of the ſaid City, or by his Reſignation or Removal from Office; but ſhall and may be continued and proſecuted to Effect, by his Succeſſor in Office. And all ſuch Penalties when recovered, ſhall be applied to the Uſe of the ſaid City and County, in the Manner herein aftermentioned.

Aſſeſſors of each Ward in the City of *New-York*, yearly, to enquire into the Value of the Eſtates of the Freeholders and Inhabitants, and make a Liſt of their Names,

And oppoſite to the Name to ſet down the Value of each Perſons Eſtate;

And ſhall deliver ſuch Liſt to the Mayor, Recorder and Aldermen.

Aſſeſſor for Neglect of ſuch Duty to forfeit 25l. to be recovered for the Uſe of the City in the Name of the Chamberlain.

And no ſuch Action to be diſcontinued by the Death of the Chamberlain.

II. *And be it further Enacted by the Authority aforeſaid*, That the Mayor, Recorder and Aldermen of the ſaid City, ſhall, yearly on the ſecond Tueſday in *July*, in every Year, meet together at the City-Hall of the ſaid City, and at ſuch other Times and Places, as they ſhall find and judge neceſſary and convenient; and examine, compute and aſcertain what Sum and Sums of Money is or are impoſed or laid on the ſame City and County, by any Law or

Mayor, Recorder and Aldermen to meet annually, and aſcertain what Sums of Money are impoſed by Law on the City and County.

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or Laws of this State, and to be raiſed in that Year in the ſame City and County for the Maintenance of the Poor, and for defraying the other contingent Expences ariſing in the ſaid City and County, or for any other Purpoſes in the ſaid City and County, or for the Uſe or Service of the Government of this State; and ſhall then fix and aſcertain, by ſuch Ways and in ſuch Manner as they ſhall judge to be juſt and equitable, what Proportion or how much of ſuch whole Sum then to be raiſed in the ſame City and County ought to be raiſed and paid by each Ward in the ſame City; and ſhall thereupon cauſe a Computation to be made, what each Pound of the Sum total of the Valuation of the Eſtates in each Ward ought to pay, of the Sum ſo to be raiſed in the ſame Ward, and cauſe the Sum to be paid by each Perſon to be inſerted in the ſame Liſt or Aſſeſſment, oppoſite to his or her Name; and ſhall immediately after the *fourteenth* Day of *October* in every Year, cauſe the Liſt or Aſſeſſment of each Ward, ſo completed, to be delivered to the Collector of the ſame Ward, with a Warrant under their Hands and Seals thereto annexed, commanding the ſame Collector to collect, of and from all and every the Perſon and Perſons named in the ſaid Liſt or Aſſeſſment, the ſeveral and reſpective Sums mentioned and contained in the laſt Column of the ſaid Liſt or Aſſeſſment, and oppoſite to their reſpective Names, and to pay the Monies which ſhall by Virtue of ſuch Warrant be raiſed in ſuch reſpective Ward, to the Treaſurer or Chamberlain of the ſaid City, on or before the *third* Tueſday in *February* then next. And in Caſe any Perſon or Perſons ſhall refuſe or neglect to pay the Sums at which his, her or their Eſtate or Eſtates ſhall be rated or taxed as aforeſaid, the Collector to whom the ſame ought to be paid ſhall be and hereby is authoriſed and required to levy the ſame, by Diſtreſs and Sale of the Goods and Chattels of the Perſon or Perſons who ought to pay the ſame. And if the Goods and Chattels ſo diſtrained ſhall be ſold for more than the Amount of ſuch Tax, and the Charges of the Diſtreſs and Sale, the Overplus ſhall be returned to the Owner of ſuch Goods and Chattels; and that a Clauſe for this Purpoſe ſhall be inſerted in every ſuch Warrant, ſo to be delivered to the reſpective Collectors.

And aſcertain what each Ward ſhall pay;

And compute what each pound of the Valuation of the Eſtates is to pay, and cauſe the Sum to be paid by each Perſon to be inſerted in the Liſt oppoſite to his Name, and then ſend the ſame Liſt to the Collector,

With a Warrant for collecting the ſame, and Directions how to pay it:

And if any Perſon refuſes to pay the Sum at which he is rated, Collector to levy the ſame by Diſtreſs.

III. *And be it further Enacted by the Authority aforeſaid*, That the Perſon or Perſons in Poſſeſſion of any Houſe, or other real Eſtate, at the Time any Tax is to be collected, ſhall be liable to pay the Tax on ſuch Houſe, or other real Eſtate; and in Caſe of Non-Payment of ſuch Tax by the Perſon or Perſons in Poſſeſſion of ſuch Houſe or other real Eſtate, and in Caſe of Want of ſufficient Goods and Chattels on the Premiſes, whereof the ſame can be levied by Diſtreſs as aforeſaid, that then it ſhall and may be lawful to and for ſuch Collector to require and demand the ſaid Tax, of and from the Perſon who ſhall be named in ſuch Liſt or Aſſeſſment, as the Owner or Proprietor of ſuch Houſe or other real Eſtate, in whatſoever Ward of the ſaid City he or ſhe may reſide; and in Caſe of Non-Payment thereof, to levy the ſame by Diſtreſs and Sale of the Goods and Chattels of ſuch Owner, rendering the Overplus if any there be, after deducting ſuch Tax and the Charges of ſuch Diſtreſs and Sale, to the Owner thereof. And in Caſe any other Perſon than the Perſon paying ſuch Tax, by Agreement or otherwiſe, ought to pay ſuch Tax the Poſſeſſor or other Perſon who ſhall pay the ſame, ſhall and may retain or recover the Amount thereof, from the Perſon who ought to have paid the ſame.

Perſons in Poſſeſſion of real Eſtates liable to pay the Tax for the ſame;

But if no Chattels can be found whereon to levy, in Caſe of Refuſal, Proprietor to pay the Tax.

IV. *And be it further Enacted by the Authority aforeſaid*, That if the Collector of any Ward in the ſaid City, ſhall neglect or refuſe to pay the Monies by ſuch Warrant directed, to be by him collected and paid, by the Time in ſuch Warrant mentioned, then, and in every ſuch Caſe, the Treaſurer or Chamberlain of the ſaid City, for the Time being, is hereby authoriſed and required, to iſſue a Warrant under his Hand and Seal, directed to the Sheriff of

If any Collector neglects to pay the Monies, Chamberlain to iſſue his Warrant to the Sheriff for levying the ſame.

of the ſaid City and County, commanding him to levy the ſame; or if a Part is paid, ſo much as ſuch Collector ſhall be deficient, of the Goods and Chattels, Lands and Tenements of ſuch Collector; and if the Goods and Chattels, Lands and Tenements of ſuch Collector, ſhall not be ſufficient to pay the whole Sum directed to be levied, then to take ſuch Collector, and confine him in the common Gaol of the ſaid City and County, without Bail or Mainpriſe, there to remain until ſuch Tax or the Deficiency thereof ſhall be paid. And every Sheriff to whom any ſuch Warrant ſhall be directed and delivered, ſhall immediately cauſe the ſame to be executed, and ſhall, within *thirty* Days after receiving ſuch Warrant, make Return thereof to the Treaſurer or Chamberlain of the ſaid City, and pay to him the Monies levied by Virtue thereof, deducting for his Fees, *Six Pence* in the Pound upon the Sum ſo levied, and no more. But in all Caſes where no Goods or Chattels can be found, whereon to levy the Tax impoſed upon any Perſon mentioned in any ſuch Tax Liſt or Aſſeſſment, or not ſufficient to pay the Whole, the Collector ſhall not be charged with more than he ſhall or might have levied or received. And every Collector is hereby directed and required to deliver a true Account, upon Oath, of all ſuch Deficiencies, to the Treaſurer or Chamberlain of the ſaid City, at the Time he is or ſhall be directed to make ſuch Payment to the ſaid Treaſurer or Chamberlain: And if any Collector ſhall neglect or refuſe to deliver ſuch Account, ſuch Collector ſhall be accountable for the whole Sum by him to be collected; and the Treaſurer or Chamberlain ſhall deliver all ſuch Accounts of Deficiencies to the Mayor, Recorder and Aldermen of the ſaid City, at their next Meeting, after he ſhall have received the ſame, or into the Clerk's Office of the ſame City: And each Collector ſhall have and retain for his Service, out of the Monies by him collected, *Six Pence* for every *Twenty Shillings* he ſhall collect, and no more.

And Sheriff immediately to cauſe the Warrant to be executed, and to pay the Monies to Chamberlain.

Collector to deliver an Account of Deficiencies to Chamberlain, on Oath, or be accountable for the whole Sum to be collected;

And Chamberlain to deliver ſuch Account to the Mayor, &c.

Collectors Allowance.

V. *And be it further Enacted by the Authority aforeſaid*, That the Treaſurer or Chamberlain of the ſaid City for the Time being, ſhall receive all ſuch Monies as ſhall be raiſed in the ſame City and County, for the Maintenance of the Poor, and for defraying the other contingent Expences in the ſaid City and County, or for any other Purpoſes in the ſaid City and County, or for the Uſe or Service of the Government of this State. And all ſuch Monies as ſhall come into his Hands for the Maintenance of the Poor, and for defraying the other contingent Expences in the ſaid City and County, or for any other Purpoſes in the ſaid City and County, ſhall be diſpoſed of in Manner herein after mentioned. And all ſuch Monies as ſhall come into his Hands, for the Uſe or Service of the Government of this State, ſhall be paid by him to the Treaſurer of this State for the Time being, at ſuch Times as ſhall be directed by the Laws, by Virtue whereof the ſame Monies ſhall be raiſed or come into the Hands of the Treaſurer or Chamberlain of the ſaid City. And the ſaid Treaſurer or Chamberlain ſhall keep juſt, true and diſtinct Accounts of the Receipts, Diſburſements and Payments, of all Monies which ſhall come into his Hands, as Treaſurer or Chamberlain of the ſaid City, by Virtue of any Law of this State, and enter the ſame in a Book or Books to be kept for that Purpoſe; and once in every Year, between the Twenty-ninth Day of *September* and the fourteenth Day of *October* in every Year, and at ſuch other Times and Places as the ſaid Mayor, Recorder and Aldermen ſhall direct, ſhall bring in and exhibit all ſuch Books and Accounts, and all the Vouchers relating thereto, to them for their Examination and Audit thereof. *And further*, The Treaſurer or Chamberlain of the ſaid City for the Time being, and the Executors and Adminiſtrators of ſuch Treaſurer or Chamberlain, ſhall be, and hereby is and are made liable to an Action of Account, to the Mayor, Aldermen and Commonalty of the City of *New-York*, for all Monies which ſhall come into his Hands, as Treaſurer or Chamberlain of the ſaid City. And every ſuch Treaſurer, and his Executors

Chamberlain to receive all Monies raiſed in ſaid City;

And to pay the Monies raiſed for the Uſe of Government to the Treaſurer of the State.

Chamberlain to keep Accounts of all Receipts and Payments, and once in every Year exhibit the ſame to the Mayor, Recorder and Aldermen.

Chamberlain liable to an Action of Account for Monies coming into his Hands.

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and Adminiſtrators, ſhall and may plead and diſcharge himſelf and themſelves, in ſuch Manner as other Receivers or Bailiffs may, can or ought to do, by Law; and the Mayor, Aldermen and Commonalty of the ſaid City, ſhall be, and hereby are empowered to ſue, proſecute and maintain ſuch Actions of Account for the Uſe of the City and County of *New-York*. *And further*, Every Treaſurer or Chamberlain of the ſaid City, for the Time being, ſhall have and retain for his Services, *Two Pence* for every *Twenty Shillings* he ſhall receive and pay, *to wit*, *One Penny* for receiving, and *One Penny* for paying.

Chamberlains Allowance.

VI. *And be it further Enacted by the Authority aforeſaid*, That every Treaſurer or Chamberlain of the ſaid City for the Time being, as ſoon after he ſhall be appointed as conveniently may be, and before he enters upon the Buſineſs of his Office, ſhall enter into a Bond or Obligation, with ſufficient Sureties, to the Mayor, Aldermen and Commonalty of the City of *New-York*, in ſuch Sum as the Mayor, Recorder and Aldermen for the Time being ſhall think proper and direct, with Condition, well and faithfully to execute the Office of Treaſurer or Chamberlain of the ſame City, and to pay all ſuch Monies as ſhall come into his Hands as Treaſurer or Chamberlain of the ſaid City, by Virtue of any Law of this State, according to Law; and to render a juſt and true Account thereof to the Mayor, Recorder and Aldermen of the ſaid City, when thereunto required. And if any Treaſurer or Chamberlain of the ſaid City ſhall not comply with the Condition of ſuch Bond or Obligation, it ſhall and may be lawful for the Mayor, Aldermen and Commonalty of the ſaid City, to commence and proſecute an Action or Actions of Debt, on ſuch Bond, in any Court of Record, againſt the Obligors in the ſame Bond, or any or either of them, or the Heirs, Executors or Adminiſtrators of all, or any or either of them. And all Monies recovered upon any ſuch Bond or Obligation, ſhall be applied towards defraying the contingent Expences of the ſaid City and County, in Manner hereafter mentioned.

Chamberlain to enter into Bond, with Sureties, for faithful Performance of his Office.

Monies recovered on ſuch Bond, how to be applied.

VII. *And be it further Enacted by the Authority aforeſaid*, That the Mayor, Recorder and Aldermen of the ſaid City for the Time being, ſhall, yearly and every Year, before they aſcertain the Amount of the Taxes to be raiſed in the ſame City and County in that Year, carefully examine what Sums remain unpaid of Taxes before laid or aſſeſſed; and where they find any Sum or Sums of Money on any Tax uncollected, and that the Perſon or Perſons, Eſtate or Eſtates charged with the ſame, is or are ſufficient to pay the ſame, they ſhall iſſue their Warrant or Warrants, under their Hands and Seals, to the Collectors of the reſpective Wards for the Time being, where ſuch Sums remain unpaid, for the Collection thereof. And every Collector to whom any ſuch Warrant ſhall be directed, is hereby authoriſed and required to levy and collect all ſuch Sums in ſuch Warrant ſpecified, in the ſame Manner, and under the ſame Penalties as in this Act are above directed and provided with Reſpect to other Taxes; and ſhall pay the ſame to the Treaſurer or Chamberlain of the ſaid City, at ſuch Time as ſhall be ſpecified in the ſame Warrant. And if any Collector ſhall neglect his Duty herein, he ſhall be chargeable with the Amount of the Monies directed to be levied and collected by him: And where the ſaid Mayor, Recorder and Aldermen ſhall find, that the Deficiency of any Taxes has happened in any Ward, by the Inſolvency, or the Want of Goods and Chattels whereon to levy the ſaid Tax, of any Perſon or Perſons upon whom the ſame was charged, or by the Inſolvency of the Collector, or otherwiſe, they ſhall add ſuch Deficiency to, and cauſe the ſame to be raiſed with, and as Part of the Tax to be laid on the ſame Ward: And in every ſuch Caſe the Treaſurer or Chamberlain of the ſaid City for the Time being, ſhall credit and apply the firſt Monies he ſhall receive on ſuch Tax, from ſuch Ward, to the Payment and Diſcharge of ſuch Deficiency.

Mayor, Recorder and Aldermen to examine *yearly* into the State of the Tax, and cauſe Deficiencies to be raiſed.

VIII. *And*

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VIII. *And be it further Enacted by the Authority aforesaid*, That upon the Death, Resignation or Removal from Office, of the Treasurer or Chamberlain of the said City for the Time being, all the Books and Papers belonging to the same Office, shall be delivered to his Successor in Office, upon the Oath of the preceding Treasurer or Chamberlain, or in Case of his Death, upon the Oath of his Executors or Administrators: And if any such preceding Treasurer, or his Executors or Administrators, shall refuse or neglect to deliver the same upon Oath as aforesaid, being lawfully demanded, every such Person shall forfeit and pay, for every such Refusal or Neglect, the Sum of *Five Hundred Pounds*, to be recovered with Costs of Suit, by and in the Name of the Mayor, Aldermen and Commonalty of the said City, for the Use of the said City and County of *New-York*, by Action of Debt, Bill or Plaint, in any Court of Record; and in every such Action or Suit, it shall be sufficient for the Plaintiff to set forth, that the Defendant, on the Day such Demand was made, became indebted to the Mayor, Aldermen and Commonalty of the said City, in the Sum of *Five Hundred Pounds*, as a Forfeiture for refusing and neglecting to deliver up the Books and Papers belonging to the Office of Treasurer or Chamberlain of the City of *New-York*, according to the Form of an Act, entitled, *An Act for the more effectual Collection of Taxes in the City and County of* NEW-YORK, to be paid to the Mayor, Aldermen and Commonalty of the said City, when he should be thereunto required, and to give the special Matter in Evidence.

On the Death or Removal from Office of Chamberlain, his Books to be delivered to his Successor on Oath.

Penalty for Refusal.

IX. *And be it further Enacted by the Authority aforesaid*, That it shall and may be lawful for the Mayor, Recorder and Aldermen of the said City for the Time being, or any five or more of them (of whom the Mayor or Recorder always to be one) to do, execute and perform all and every Act, Matter and Thing, which the Mayor, Recorder and Aldermen of the said City for the Time being, are by this Act authorised or required to do, execute and perform; and all Questions which may arise at any Meeting, shall be determined according to the Judgment and Opinion of the major Part of them the said Mayor, Recorder and Aldermen of the said City, attending at such Meeting.

Mayor, Recorder and Aldermen, or any five of them, may execute this Act.

X. *And be it further Enacted by the Authority aforesaid*, That the Treasurer or Chamberlain of the said City shall, yearly, on or before the first Day of *March* in every Year, pay to the Treasurer of this State, all such Monies as he shall have received for Taxes imposed on the City and County of *New-York*, for the Use or Service of the Government of this State; and also deliver to the Treasurer of this State, an Account, on Oath, of all such Warrants as he shall have issued against any Collector or Collectors, and for what Sums: And in Case such Treasurer or Chamberlain shall not pay the Monies by him received as aforesaid, by the Time aforesaid, or shall not deliver such Account [illegible] to the Treasurer of this State as aforesaid, or shall not, in Case of Default of any Collector, issue his Warrant as aforesaid, then, and in every such Case, it shall and may be lawful for the Treasurer of this State for the Time being, and he is hereby authorised, directed and required to proceed against such Treasurer or Chamberlain of the said City, in like Manner as the said Treasurer or Chamberlain is, in and by this Act, authorised and required to proceed against delinquent Collectors.

Chamberlain yearly to pay to State Treasurer all Monies by him received for the Use of Government, and deliver an Account of all Warrants issued by him against any Collectors;

And in Case of Neglect, Treasurer to proceed against him.

XI. *And be it further Enacted by the Authority aforesaid*, That if the Mayor, Recorder, or any Alderman of the said City for the Time being, shall neglect or refuse to perform any of the Duties required of him by this Act, every Person so neglecting or refusing, shall, for every such Offence, forfeit to the People of this State, the Sum of *One Hundred Pounds*, to be recovered, with Costs, in any Court of Record, by Action of Debt, Bill or Plaint, by

Mayor, Recorder or Alderman for Neglect of Duty, to forfeit 100l. to be recovered with Costs by the State Treasurer.

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by the Treaſurer of this State, by and in the Name of the Treaſurer of the State of *New-York*; and in every ſuch Action or Suit, it ſhall be ſufficient for the Plaintiff to ſet forth, that the Defendant, at a certain Time and Place, became indebted to the Treaſurer of the State of *New-York*, in the Sum of *One Hundred Pounds*, as a Forfeiture incurred for refuſing and neglecting to perform the Duties required of him by Virtue of an Act, entitled, *An Act for the more effectual Collection of Taxes in the City and County of* NEW-YORK, to be paid to the Treaſurer of the State of *New-York* for the Time being, when he ſhould be thereunto required, and to give the ſpecial Matter in Evidence. And no ſuch Action, Suit or Information ſhall be abated or diſcontinued by the Death of the Treaſurer, or by his Reſignation or Removal from Office, but ſhall and may be continued and proſecuted to Effect by his Succeſſor in Office: All which Penalties laſt mentioned, when recovered, ſhall remain in the Treaſury of this State, ſubject to the Order of the Legiſlature.

No ſuch Action to abate by the Death of the Treaſurer.

Monies received by Chamberlain for the Uſe of the Poor, and defraying contingent Expences, to be applied and paid as the Common Council ſhall direct.

XII. *And be it further Enacted by the Authority aforeſaid*, That all ſuch Monies as ſhall come into the Hands of the Treaſurer or Chamberlain of the ſaid City for the Time being, for the Maintenance of the Poor, and for defraying the other contingent Expences in the City and County of *New-York*, or for any other Purpoſes in the ſaid City and County, or for any Penalties or Forfeitures incurred by Virtue of this Act, and appropriated hereby to the Uſe of the ſaid City and County, ſhall be applied or paid by him to ſuch Perſons, and in ſuch Manner as the Mayor, Aldermen and Commonalty of the ſaid City, in Common Council convened, by Warrant, under the Hand of the Mayor or Recorder of the ſaid City for the Time being, preſiding in ſuch Common Council, ſhall, from Time to Time, direct and appoint.

Chamberlain yearly to publiſh a State of the Monies by him received and expended, for the Uſe of the City.

XIII. *And be it further Enacted by the Authority aforeſaid*, That the Treaſurer or Chamberlain of the ſaid City for the Time being, ſhall yearly, on the firſt Monday in *November* in every Year, publiſh a State of all Monies received by him for the Uſe of the ſaid City and County as aforeſaid, and of the Sums and Purpoſes mentioned in each Warrant drawn upon him as aforeſaid, in one or more of the public News-Papers printed in the ſaid City of *New-York*.

CHAP. LXVIII.

Obſolete.

An ACT *to enable the Mayor, Recorder and Aldermen of the City of* New-York, *to order the raiſing Monies by Tax for the Maintenance of the Poor, and for defraying the other contingent Expences ariſing in the City and County of* New-York.

Paſſed 11th March, 1788.

CHAP. LXIX.

Obſolete.

An ACT *for building a Gaol, and repairing the Court-Houſe in the City and County of* Albany.

Paſſed 11th March, 1788.

CHAP. LXX.

Obſolete.

An ACT *to enable the Mayor, Aldermen and Commonalty of the City of* Albany, *in Common Council convened, to order the raiſing Monies by Tax, for the Purpoſes therein mentioned.*

Paſſed 11th March, 1788.

CHAP.

CHAP. LXXI.

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An ACT *to prevent firing the Woods.*

Paſſed 12th March, 1788.

I. BE *it Enacted by the People of the State of* New-York, *repreſented in Senate and Aſſembly, and it is hereby Enacted by the Authority of the ſame,* That if any Perſon or Perſons ſhall ſet Fire to the Woods in any Part of this State, he, ſhe or they ſhall forfeit and pay the Sum of *Ten Pounds*, to be recovered with Coſts of Suit, in any Court having Cognizance thereof, by any Perſon or Perſons who will ſue and proſecute for the ſame; the one Moiety of which Forfeiture, when recovered, ſhall be paid to the Overſeers of the Poor of the Town or Place where the Offence ſhall have been committed, for the Uſe of the Poor thereof; and the other Moiety to the Perſon or Perſons who will ſue and proſecute for the ſame to Effect as aforeſaid. And ſuch Offender or Offenders ſhall moreover be liable to all ſuch Damages as any Perſon or Perſons ſhall ſuſtain by ſuch firing the Woods as aforeſaid.

Any Perſon ſetting Fire to Woods, to forfeit 10l.

How to be recovered and applied.

II. *Provided always, and be it further Enacted by the Authority aforeſaid,* That nothing in this Act contained ſhall be conſtrued to hinder or prevent any Perſon or Perſons from firing his, her or their own Woods; but if he, ſhe or they do ſuffer ſuch Fire to extend beyond his, her or their own Woods, he, ſhe or they ſhall be ſubject to the Penalty and Forfeiture aforeſaid, beſides being anſwerable for the Damages.

Any Perſon may ſet Fire to his own Woods;
But be liable to the Penalty and anſwerable for Damages, if it extends beyond his own Woods.

III. *And be it further Enacted by the Authority aforeſaid,* That when the Woods in any Town within this State ſhall be on Fire, the Juſtices of the Peace, the Superviſor, the Commiſſioners of the Highways, and the Officers of the Militia, (not under the Rank of Captain) reſiding in ſuch Town, ſhall, and they are hereby ſeverally authoriſed and required, to order ſuch and ſo many of the Inhabitants of ſuch Town liable to work on the Highways, and who ſhall reſide within the Vicinity of the Place where ſuch Fire ſhall be, as they ſhall ſeverally deem neceſſary, to repair to the Place where ſuch Fire ſhall prevail, and there to aſſiſt in extinguiſhing or ſtopping the Progreſs of the ſame; and if any Perſon ſo ordered to repair to, and aſſiſt in Manner aforeſaid, ſhall refuſe or neglect to comply with ſuch Order, every Perſon ſo diſobeying ſuch Order, ſhall forfeit and pay the Sum of *Four Shillings*, for every Day he ſhall ſo neglect or refuſe to obey, to be recovered in a ſummary Way, with Coſts, before any Juſtice of the Peace reſident in ſuch Town, and the Oath of the Perſon having given ſuch Order, ſhall be ſufficient Evidence whereon to convict any Delinquent, and the Forfeiture ſo recovered ſhall be applied as a Reward to ſuch Perſon or Perſons as the Officers aforeſaid, or the major Part of them, ſhall deem beſt entitled thereto, for ſuperior Exertions at the Extinguiſhment, or in ſtopping the Progreſs of ſuch Fire.

Juſtices of the Peace, Superviſors, Commiſſioners of Highways, and Officers of Militia, authoriſed to order Inhabitants to extinguiſh or ſtop ſuch Fires.

Penalty on Inhabitants for Neglect.

IV. *And be it further Enacted by the Authority aforeſaid,* That all former ‡ Acts and Laws of this State concerning firing the Woods, ſhall be void, and hereby are repealed.

Former Laws repealed.
‡ 8*th Seſſ. Ch.* 31. *Sec.* 5.

CHAP. LXXII.

An ACT *ſupplementary to, and for the Amendment of the Act, entitled,* ‡ *An* Act *impoſing Duties on Goods and Merchandize imported into this State, and to relieve Perſons who have been aggrieved thereby.*

Obſolete.
‡ 10*th Seſſ. Ch.* 81.

Paſſed 12th March, 1788.

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CHAP. LXXIII.

An ACT *to repeal the Acts therein mentioned.*

Paſſed 12th March, 1788.

Certain Acts of the late Colony repealed.

I. BE *it Enacted by the People of the State of* New-York, *repreſented in Senate and Aſſembly, and it is hereby Enacted by the Authority of the ſame,* That the ſeveral Acts or Laws herein after mentioned, which were made in this State while the ſame was the Province or Colony of *New-York; That is to ſay*, An Act, entitled, "An Act for quieting and ſettling the Diſorders that have lately happened within this Province, and for eſtabliſhing and ſecuring their Majeſties preſent Government againſt the like Diſorders for the Future." And one other Act, entitled, "An Act for the regulating the Buildings, Streets, Lanes, Wharfs, Docks and Allies of the City of *New-York*." And one other Act, entitled, "An Act for ſettling Fairs and Markets in each reſpective City and County throughout the Province." And one other Act, entitled, "An Act for eſtabliſhing certain Rates upon ſuch Goods and Merchandize as ſhall be brought unto their Majeſties Beam in the Weigh-Houſe at *New-York*." And one other Act, entitled, "An Act againſt the Profanation of the Lord's Day called *Sunday*." And one other Act, entitled, "An Act for preventing of Treſpaſſes." And one other Act, entitled, "An Act to enable the reſpective Towns within this Province to build and repair their Meeting-Houſes and other public Buildings." And one other Act, entitled, "An Act to aſcertain the Size of Caſks, Weights and Meaſures, and Bricks within this Colony." And one other Act, entitled, "An Act to encourage the Baptizing of Negro, Indian, and Mulatto Slaves." And one other Act, entitled, "An Act for the Encouragment of Whaling." And one other Act, entitled, "An Act for ſuppreſſing Immorality." And one other Act, entitled, "An Act to prevent the Removal of Actions of *Twenty Pounds* from the Mayor's Court of *New-York*, and other Courts." And one other Act, entitled, "An Act to prevent the Impairing the Fortifications." And one other Act, entitled, "An Act for preventing the Multiplicity of Law-ſuits." And one other Act, entitled, "An Act for deſtroying Wolves and Foxes in the County of *Weſtcheſter*." And one other Act, entitled, "An Act to encourage the Deſtroying of Foxes and Wild-Cats in *King*'s County, *Queen*'s County and *Suffolk* County." And one other Act, entitled, "An Act to prevent vagrant and idle Perſons from being a Charge and Expence to any the Counties, Cities, Towns, Manors or Precincts within this Province." And one other Act, entitled, "An Act to prevent Boats and other Veſſels, and the Goods put on Board of them, from being interrupted or moleſted, whilſt their Navigation is confined within this Colony." And one other Act, entitled, "An Act for the effectual Recovery of the Arrears of the ſeveral Taxes, and of the Exciſe therein mentioned, and for ſecuring the Duties on Slaves not imported in the City of *New-York*, and for empowering the Treaſurer for theſe Purpoſes." And one other Act, entitled, "An Act for the more effectual preventing and puniſhing the Conſpiracy and Inſurrection of Negroes and other Slaves, for the better regulating them, and for repealing the Acts therein mentioned relating thereto", together with the Acts therein mentioned. And one other Act, entitled, "An Act for granting to the People called Quakers, reſiding within this Colony, the ſame Privileges, Benefits and Indulgencies, as by the Laws and Statutes now remaining in Force in that Part of *Great-Britain* called *England*, the People of that Denomination are entitled unto, within thoſe Dominions," together with the Act thereby repealed. And one other Act, entitled, "An Act to prevent ſmall Stallions running at large in the Colony of *New-York*, and to geld ſuch as ſhall be under the Size therein mentioned." And one other Act, entitled, "An Act for regulating the Ruts of Waggons

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in *Dutcheſs* County." And one other Act, entitled, "An Act to prevent the further Importation of Copper-Money into this Colony." And one other Act, entitled, "An Act for eſtabliſhing and regulating Courts to determine Cauſes of *Forty Shillings*, and under, in this Colony." And one other Act entitled, "An Act for the better extinguiſhing of Fires that may happen within the City of *New-York*." And one other Act, entitled, "An Act for the Preſervation of Oyſters at and near *Richmond* County, in this Colony." And one other Act, entitled, "An Act to prevent Abuſes in the Repacking of Beef and Pork." And one other Act, entitled, "An Act for explaining and rendering more effectual an Act of the Governor, Council and the General Aſſembly, entitled, "An Act to oblige the Inhabitants of each particular Ward within the City of *New-York*, to make good their reſpective Quotas of all public Taxes." And one other Act, entitled, "An Act for limiting the Continuance of the General Aſſemblies of this Colony." And one other Act, entitled, "An Act to empower the ſworn Repackers of the City of *New-York* for the Time being, to repack and brand half Barrels of Beef and Pork." And one other Act, entitled, "An Act for the ſpeedy puniſhing and releaſing ſuch Perſons from Impriſonment as ſhall commit any criminal Offences under the Degree of Grand Larceny." And one other Act, entitled, "An Act for the ſpeedy puniſhing and releaſing ſuch Perſons from Impriſonment, as ſhall commit any criminal Offences in the City and County of *New-York*, under the Degree of Grand Larceny." And one other Act, entitled, "An Act to reſtrain unlawful and diſorderly Gaming-Houſes in the Colony of *New-York*." And one other Act, entitled, "An Act to amend the Practice of the Law, and to regulate the giving of ſpecial Bail." And one other Act, entitled, "An Act to make it Felony without Benefit of Clergy, to counterfeit any *Spaniſh*, *French* or *Portugueze* Gold or Silver within this Colony." And one other Act, entitled, "An Act for taking Affidavits in the ſeveral Counties within this Colony, to be made uſe of in the Supreme Court, and empowering the Attornies of the Supreme Court to practiſe in the Mayor's Court of the City of *New-York*." And one other Act, entitled, "An Act to reſtrain Tavern-Keepers and Innholders from ſelling ſtrong Liquors to Servants and Apprentices, and from giving large Credit to others." And one other Act, entitled, "An Act to prevent the importing or paſſing Counterfeits of *Britiſh* Half-Pence, or Farthings." And one other Act, entitled, "An Act to enable and empower the Mayor, Aldermen and Commonalty of the City of *New-York* and their Succeſſors, to prevent and remove particular Nuiſances within the ſame, to the Southward of *Freſh-Water*." And one other Act, entitled, "An Act to prevent malicious Informations in the Supreme Court of Judicature for the Colony of *New-York*." And one other Act, entitled, "An Act to enable Creditors more eaſily to recover their Debts from Joint-Partners." And one other Act, entitled, "An Act to oblige all Perſons that come to inhabit or reſide in the City of *Albany* and Townſhip of *Schenectady* in the County of *Albany*, in order to expoſe any Goods, Wares or Merchandizes to Sale, at any Time after the annual Aſſeſſments made for the neceſſary and contingent Charges of the ſaid City and Townſhip, to pay their juſt Proportions towards the ſame." And one other Act, entitled, "An Act to enable the Proprietors or Owners of that Part of the *Great-Plains*, in *Queen*'s County, which lies within the Townſhips of *Hampſtead* and *Oyſterbay*, and is uſed as a Common of Paſture, to hang ſwinging Gates on the Highways running through the ſaid Plains, and to eſtabliſh prudential Orders and Rules with Reſpect to the Management of the ſaid Common." And one other Act, entitled, "An Act to enforce and render more effectual an Act, entitled, An Act to prevent vagrant and idle Perſons, from being a Charge and Expence to any of the Counties, Cities, Towns, Manors or Precincts within this Province." And one other Act, entitled,

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" An Act to prevent the ſelling of Tickets in this Colony, of any Lotteries ſchemed or erected in any other Colony." And one other Act, entitled, " An Act to regulate the Practice of Phyſick and Surgery in the City of *New-York*." And one other Act, entitled, " An Act to increaſe the Number of Firemen within the City of *New-York*," And one other Act, entitled, " An Act to prevent tranſient Perſons from ſelling Goods at Vendue in the City and County of *Albany*, and Counties of *Weſtcheſter*, *Richmond* and *Dutcheſs*." And one other Act, entitled, " An Act empowering thoſe who ſhall be appointed Foremen of Grand-Juries to adminiſter the uſual Oath to ſuch Witneſſes as are to be examined before them." And one other Act, entitled, " An Act to prevent hunting with Fire-arms in the City of *New-York*, and Liberties thereof." And one other Act, entitled, " An Act to reſtrain the bringing of Writs of *Certiorari*, and Writs of *Error*, for Removal of Judgments given before Juſtices of the Peace within this Colony." And one other Act, entitled, " An Act to make it Felony without Benefit of Clergy, to Counterfeit the Bills of Credit of any of his Majeſty's Colonies which paſs in Payment in the Colony of *New-York*." And one other Act, entitled, " An Act for the Regulation of Servants." And one other Act, entitled, " An Act to relieve the Cities and Counties of this Colony by the ſpeedy Trial of petty Offenders." And one other Act, entitled, " An Act further to increaſe the Number of Firemen in the City of *New-York*." And one other Act, entitled, " An Act to prevent the Abuſe of Writs and Plaints in Replevin." And one other Act, entitled, " An Act to prevent the Inconveniencies ariſing from Delays of Cauſes after Iſſue joined." And one other Act, entitled, " An Act for the better preventing frivolous and vexatious Suits." And one other Act, entitled, " An Act to confirm certain Acts and Orders made by Juſtices of the Peace, being of the Quorum, notwithſtanding any Defect in not expreſſing therein that ſuch Juſtices of the Peace are of the Quorum." And one other Act, entitled, " An Act to fix and aſcertain from whence the Mileage Fees of the reſpective Conſtables of the Manor of *Cortlandt*, in the County of *Weſtcheſter*, ſhall be computed." And one other Act, entitled, " An Act to enable any one of the Coroners for the different Counties within this Colony, to make Return to Proceſs." And one other Act, entitled, " An Act to increaſe the Number of Firemen in the City of *New-York*." And one other Act, entitled, " An Act to prevent the defacing the Statues which are erected in the City of *New-York*." And one other Act, entitled, " An Act to prevent the killing and deſtroying of Game in the Manor of *Philipsborough*, in the County of *Weſtcheſter*." And one other Act, entitled, " An Act to prevent aged and decriped Slaves from becoming burthenſome within this Colony," And one other Act, entitled, " An Act to amend an Act, entitled, An Act to confirm certain ancient Conveyances and directing the Manner of proving Deeds to be recorded." And one other Act, entitled, " An Act for the Amendment of the Law, and the better Advancement of Juſtice." And one other Act, entitled, " An Act for puniſhing Acceſſaries to Felonies, and Receivers of ſtolen Goods." And one other Act, entitled, " An Act for giving Relief on Promiſſory Notes." And one other Act, entitled, " An Act to prevent the Sale of Goods at Night by Vendue, Auction or Out-cry in the City of *New-York*." And one other Act, entitled, " An Act reſpecting Fairs in the Counties of *Albany*, *Cumberland* and *Tryon*." And one other Act, entitled, " An Act to enable poſthumous Children to take Eſtates as if born in their Father's Life Time." And one other Act, entitled, " An Act for the Relief of Creditors againſt fraudulent Deviſes." And one other Act, entitled, " An Act for the better preventing of exceſſive and deceitful Gaming." And one other Act, entitled, " An Act for the better Security and more eaſy Recovery of Rents, and Renewal of Leaſes, and to prevent Frauds committed by Tenants." And one other Act, entitled, " An Act for the better Diſcovery

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very of Judgments in the Courts of Record in this Colony." And one other Act, entitled, "An Act to prevent the depreciating the Paper Currency of this Colony." And one other Act, entitled, "An Act to amend an Act, entitled, An Act for the ſpeedy puniſhing and releaſing ſuch Perſons from Impriſonment as ſhall commit any criminal Offences under the Degree of *Grand Larceny*." And one other Act, entitled, "An Act to prevent the Abatement of Suits by the Death of the Parties." And one other Act, entitled, "An Act for the more eaſy collecting his Majeſty's Quit-Rents in the *Oblong* Patent, in the Counties of *Dutcheſs* and *Weſtcheſter*." And one other Act, entitled, "An Act for the Amendment of the Law, for Prevention of Frauds and Perjuries." And one other Act, entitled, "An Act for the Relief of Pariſhes and other Places, from ſuch Charges as may ariſe from Baſtard Children born within the ſame." And one other Act, entitled, "An Act for an Indulgence to Perſons of ſcrupulous Conſciences, in the Manner of adminiſtring Oaths." And one other Act, entitled, "An Act to diſcourage tortious Entries and Poſſeſſions." And one other Act, entitled, "An Act to regulate Waggons within the Townſhip of *Schenectady*, and the Precincts of *Orange-Town* and *Haverſtraw*, in the County of *Orange*." And one other Act, entitled, "An Act for the more convenient proving of Deeds and Mortgages." And one other Act, entitled, "An Act to divide the Province and Dependencies into Shires and Counties," and all other Laws heretofore made in this State, while the ſame was the Colony or Province of *New-York*, for dividing the ſame into Counties; or for dividing any of the Counties thereof; or for aſcertaining the Bounds or Limits of any of the ſame Counties; and all Laws heretofore made in this State, while the ſame was the Colony or Province of *New-York*, relating to Highways, except ſuch as relate to Highways in *King*'s County, or *Queen*'s County, or either of them; and all Laws heretofore made in this State, while the ſame was the Colony or Province of *New-York*, relating to the Election of Repreſentatives to ſit in General Aſſembly, and relating to the Allowance to, or Wages of the ſaid Repreſentatives, and every Clauſe, Matter and Thing in the ſame Acts and Laws herein before mentioned, and in each and every of them contained, ſhall be, and hereby are repealed and made void.

Certain Acts paſſed by the Legiſlature of this State, repealed.

II. *And be it further Enacted by the Authority aforeſaid*, That the ſeveral Acts and Clauſes of Acts of the Legiſlature of this State, herein after mentioned; *That is to ſay*, An Act, entitled, "(*a*) An Act requiring all Perſons holding Offices or Places under the Government of this State, to take the Oaths therein preſcribed and directed." And the Act, entitled, "(*b*) An Act for altering the Judgments heretofore by Law preſcribed againſt Perſons found guilty of High Treaſon and Petty Treaſon; and thoſe who on being arraigned for Treaſon or Felony, ſtand mute or refuſe to plead." And the Act, entitled, "(*c*) An Act for the better Determination of perſonal Actions, depending upon Accounts." And the Act, entitled, "(*d*) An Act for the better ſecuring the Independence of this State, and to that End requiring all public Officers and Electors within this State, to take the Teſte Oath therein contained." And the Act, entitled, "(*e*) An Act to prevent Delay by Writs of Replevin, in Caſes of Diſtreſs for Taxes, Aſſeſſments or Fines." And the Act, entitled, "(*f*) An Act for giving Relief againſt the Operation of the Statute of the 21ſt of *James* the 1ſt, commonly called the Statute of Limitations, and of an Act of this State, while it was a Colony, entitled, "An Act for giving Relief on Promiſſory Notes." And the Act, entitled, "(*g*) An Act to preſerve the Freedom and Independence of this State, and for other Purpoſes therein mentioned." And the Act, entitled, "(*h*) An Act for the more eaſy Aſſeſſment of Taxes, for prolonging the Terms of the Court of General Seſſions of the Peace, altering the Mode of Puniſhment in certain Caſes of Petit Larceny, in the City and County of *New-York*, and for the

(*a*) 1ſt Seſſ. Ch. 7.
(*b*) 1ſt Seſſ. Ch. 19.
(*c*) 4th Seſſ. Ch. 25.
(*d*) 4th Seſſ. Ch. 36.
(*e*) 4th Seſſ. Ch. 47.
(*f*) 6th Seſſ. Ch. 39.
(*g*) 7th Seſſ. Ch. 66.
(*h*) 8th Seſſ. Ch. 40.

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Confinement of Vagrants and common Proſtitutes to hard Labour." And the Act, entitled, "(*k*) An Act for the Puniſhment of Perſons who ſhall, in the City and County of *New-York*, by falſe Pretences, obtain any Monies, Goods, Wares or Merchandize, from any Perſon, with Intent to cheat or defraud ſuch Perſon." And the Act, entitled, "(*m*) An Act granting a Bounty on Hemp to be raiſed within this State, and impoſing an additional Duty on ſundry Articles of Merchandize, and for other Purpoſes therein mentioned." And the Act, entitled, "(*n*) An Act to compel Collectors and Conſtables to give Security." And the eighth Section of the Act, entitled, "(*p*) An Act concerning Counſellors, Attornies, Solicitors, Advocates and Proctors of the ſeveral Courts in this State," ſo far as the ſame relates to the Penalty or Forfeiture of *Ten Pounds*, on every Attorney neglecting or omitting to file his Warrant of Attorney, according to the Directions of the ſaid Act, ſhall be, and hereby are repealed.

(*k*) 8*th Seſſ. Ch.* 47.

(*m*) 8*th Seſſ. Ch.* 68.

(*n*) 9*th Seſſ. Ch.* 33.

(*p*) 10*th Seſſ. Ch.* 35.

Other Acts of the late Colony repealed.

III. *And be it further Enacted by the Authority aforeſaid*, That the ſeveral Acts or Laws herein after mentioned, which were made in this State while the ſame was the Province or Colony of *New-York; That is to ſay*, An Act, entitled, "An Act for enabling each reſpective Town within this Province to regulate their Fences and Highways, and make prudential Orders for their Peace and orderly Improvements." And one other Act, entitled, "An Act for defraying the public and neceſſary Charge throughout this Province, and for maintaining the Poor and preventing Vagabonds." And one other Act, entitled, "An Act for regulating the Fences in the County of *Ulſter*." And one other Act, entitled, "An Act repealing an Act of General Aſſembly of this Province, entitled, An Act for defraying the publick and neceſſary Charges throughout this Province, for maintaining the Poor and preventing Vagabonds, except ſo much thereof as relates to Vagabonds, and for the appointing more effectual Means for the defraying the publick and neceſſary Charge in each City and County, and for maintaining the Poor." And one other Act, entitled, "An Act to oblige the Owners and Poſſeſſors of unimproved Lands in the County of *Albany*, *Weſtcheſter*, *Richmond* and *Orange*, to pay the Proportion of their Quit-Rents and Taxes, raiſed for the Support of the Government and other County Charges." And one other Act, entitled, "An Act for the better explaining and more effectual putting in Execution, an Act of General Aſſembly, made in the third Year of the Reign of their late Majeſties, King *William* and Queen *Mary*, entitled, "An Act for defraying of the publick and neceſſary Charge throughout this Province, and for maintaining the Poor and preventing Vagabonds." And one other Act, entitled, "An Act for defraying the common and neceſſary Charge in the Manor of *Renſſelaerwick*, in the County of *Albany*." And one other Act, entitled, "An Act for the better raiſing, levying and defraying the neceſſary Charge in the Manor of *Renſſelaerwick*, in the County of *Albany*." And one other Act, entitled, "An Act to enable the Juſtices of the Peace to chuſe Aſſeſſors and Collectors, in Caſe of Death." And one other Act, entitled, "An Act to oblige the Inhabitants of each particular Ward within the City of *New-York*, to make good their reſpective Quotas of all publick Taxes." And one other Act, entitled, "An Act to enable the Mayor, Aldermen and Commonalty of the City of *Albany*, to defray the publick and neceſſary Charges of the ſaid City." And one other Act, entitled, "An Act to oblige the Collectors and Treaſurer of *Richmond* County, effectually to collect and pay the annual Rate of the ſaid County." And one other Act, entitled, "An Act for defraying the common and neceſſary Charge of the Manor of *Cortlandt*, in the County of *Weſtcheſter*." And one other Act, entitled, "An Act for the punctual Payment of the County Rates in *Suffolk* County, and for the more effectual recovering the Arrearages thereof." And one other Act, entitled,

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entitled, " An Act for recovering Arrearages of Taxes and Rates in the City and County of *Albany*." And one other Act, entitled, " An Act for regulating Fences for the ſeveral Cities and Counties within this Colony of *New-York*." And one other Act, entitled, " An Act for the better regulating the Taxation of Eſtates in *Queen*'s County, and for repealing an Act, entitled, An Act for the more equal Taxation of Eſtates in *Queen*'s County, paſſed in the Twenty-ſeventh Year of his preſent Majeſty's Reign," together with the Act thereby repealed. And one other Act, entitled, " An Act to regulate the publick Pounds in the City and County of *New-York*." And one other Act, entitled, " An Act to enable the Superviſors of the ſeveral Counties of this Colony, therein mentioned, to take Security of their reſpective County Treaſurer, before he enters upon the Execution of his Office." And one other Act, entitled, " An Act for the more equal Taxation of Eſtates, and providing for Deficiencies in the Taxes of the County of *Weſtcheſter*." And one other Act, entitled, " An Act to confine Rams at certain Seaſons of the Year, in the Counties of *Ulſter*, *Orange* and *Dutcheſs*." And all Laws heretofore made in this State while the ſame was the Colony or Province of *New-York*, for erecting or dividing any Part or Parts of this State, into Towns, Pariſhes, Precincts or Diſtricts, or altering the Bounds of any of them; and all Laws heretofore made in this State, while the ſame was the Colony or Province of *New-York*, enabling the Towns, Manors, Precincts or Diſtricts of this State, or any of them, to chuſe Superviſors, Aſſeſſors, Collectors and Conſtables, and other Town Officers, or any or either of them, and relating to the Meetings, or to the Times or Places of Meeting, of the Superviſors or Aſſeſſors, or either of them. And all Laws heretofore made in this State, while the ſame was the Province or Colony of *New-York*, relating to Swine; and every Clauſe, Matter and Thing in the ſame Acts and Laws herein before mentioned, and in every of them contained, ſhall be, and hereby are repealed and made void, from and after the *firſt* Day of *April*, which will be in the Year of our Lord One Thouſand Seven Hundred and Eighty-nine.

IV. *And be it further Enacted by the Authority aforeſaid*, That the ſeveral Acts and Clauſes of Acts of the Legiſlature of this State, herein after mentioned; *That is to ſay*, An Act, entitled, " (*a*) An Act for increaſing the Number of Aſſeſſors throughout this State." And the Act, entitled, " (*b*) An Act to divide the Diſtrict of the Manor of *Renſſelaerwyck*, in the County of *Albany*, into two Diſtricts." And the Act, entitled, " (*c*) An Act to annex the Lands belonging to the Corporation of the Reformed Proteſtant *Dutch* Church of *Schenectady*, and the Settlement called *Cory*'s Brook, now in the Diſtricts of *Half-Moon* and the united Diſtricts of *Schohary* and *Duanesburgh*, to the Diſtrict of *Schenectady*." And the Act, entitled, " (*d*) An Act to increaſe the Number of Collectors in the Counties of *Albany*, *Ulſter* and *Orange*." And the Act, entitled, " (*e*) An Act to aſcertain the diviſion Line between the Diſtrict of *Half-Moon* and the Weſt Diſtrict of *Renſſelaerwyck*, and for dividing *Mohawk* Diſtrict, in the County of *Tryon*, into two Diſtricts." And the Act, entitled, " (*f*) An Act to divide the Diſtrict of *Claverack*, in the County of *Albany*, into two Diſtricts." And the Act, entitled, " (*g*) An Act declaring the Eaſt Ward of the Manor of *Cortlandt*, and the Diſtrict of *Salem*, in the County of *Weſtcheſter*, to be two Townſhips, in Manner therein deſignated." And the Act, entitled, " (*h*) An Act to divide the Eaſt Diſtrict of the Manor of *Renſſelaerwyck*, in the County of *Albany*." And the Act, entitled, " (*k*) An Act to divide the Townſhip of *Hempſtead*, in *Queen*'s County." And the Act, entitled, " (*m*) An Act to divide *Charlotte* and *Rhynbeck* Precincts, into three Precincts." And the Act, entitled, " (*n*) An Act for dividing the County of *Waſhington* into Townſhips." And the Act, entitled, " (*p*) An Act for dividing the Diſtrict of the Manor of *Living ſton*,

Other Acts paſſed by the Legiſlature of this State repealed.
(*a*) 1*ſt Seſſ. Ch.* 8.
(*b*) 2*d Seſſ. Ch.* 23.
(*c*) 3*d Seſſ. Ch.* 36.
(*d*) 3*d Seſſ. Ch.* 45.
(*e*) 3*d Seſſ. Ch.* 50.
(*f*) 5*th Seſſ. Ch.* 23.
(*g*) 7*th Seſſ. Ch.* 11.
(*h*) 7*th Seſſ. Ch.* 13.
(*k*) 7*th Seſſ. Ch.* 21.
(*m*) 9*th Seſſ. Ch.* 15.
(*n*) 9*th Seſſ. Ch.* 18.
(*p*) 10*th Seſſ. Ch.* 49.

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Livingſton, in *Columbia* County, and for annexing the Manor of *Fox-Hall* to the Town of *Kingſton*, in *Ulſter* County." And the Act, entitled, "(q) An Act to erect the Settlements of *Woodſtock*, and *Great* and *Little Shandaken*, in *Ulſter* County, into a ſeparate Townſhip." And the Twenty-fourth Section of the Act, entitled, "(r) An Act for the Relief of Perſons who paid Money into the Treaſury of this State, in Conſequence of a Reſolution of the Committee of Safety, of the *firſt* Day of *March*, One Thouſand Seven Hundred and Seventy-ſeven, and for other Purpoſes therein mentioned," ſhall be, and hereby are repealed, from and after the *firſt* Day of *April*, which will be in the Year of our Lord One Thouſand Seven Hundred and Eighty-nine.

(q) 10th Seſſ. Ch. 80.

(r) 10th Seſſ. Ch. 102.

CHAP. LXXIV.

Obſolete. *An* ACT *for raiſing a further Sum of Money for compleating the Court-Houſe and Gaol in the County of* Columbia.

Paſſed 14th March, 1788.

CHAP. LXXV.

Private. *An* ACT *to enable* David Richard Floyd, *to add the Name of* Jones *to his Surname.*

Paſſed 14th March, 1788.

CHAP. LXXVI.

Obſolete. *An* ACT *to prolong the Collection of the Tax therein mentioned.*

Paſſed 15th March, 1788.

CHAP. LXXVII.

Time prolonged 12th Seſſ. Ch. 34. *Obſolete.* *An* ACT *for the more effectual Collection of the Arrears of Taxes, heretofore made receivable in public Securities.*

Paſſed 15th March, 1788.

CHAP. LXXVIII.

Obſolete. *An* ACT *for the Payment of the Monies ſtill due for compleating the Court-Houſe and Gaol in the County of* Dutcheſs.

Paſſed 15th March, 1788.

CHAP. LXXIX.

An ACT *for the better extinguiſhing Fires in the City of* Albany.

Paſſed 15th March, 1788.

Common Council of the City of *Albany* to appoint 60 Firemen.

I. BE *it Enacted by the People of the State of* New-York, *repreſented in Senate and Aſſembly, and it is hereby Enacted by the Authority of the ſame*, That it ſhall and may be lawful to and for the Mayor, Aldermen and Commonalty of the City of *Albany*, in Common Council convened, or the major Part of them, to nominate and appoint a ſufficient Number of able, diſcreet and ſober Men (willing to accept) not exceeding *ſixty* in Number, of the Inhabitants, being Freeholders or Freemen of the ſaid City, to have the Care, Management, Working and Uſing the Fire-Engines, and the other Tools and Inſtruments now provided, or hereafter to be provided, for extinguiſhing of Fires within the ſaid City; which Perſons ſo to be nominated and appointed as aforeſaid, ſhall be called, *The Firemen of the City of* ALBANY; who are hereby

hereby required to be ready at all Times, as well by Night as by Day, to manage, work and uſe the ſaid Fire-Engines, and other the Tools and Inſtruments aforeſaid, provided and to be provided for extinguiſhing Fires in the ſame City.

Firemen exempted from ſerving as Commiſſioners or Overſeers of Highway, Conſtables and Jurors, and from Militia Duty.

II. AND in order that the Firemen ſo to be nominated and appointed as aforeſaid, may be diligent and vigilant in the Execution of their Duty, *Be it further Enacted by the Authority aforeſaid*, That each of the Perſons ſo to be nominated and appointed a Fireman, as aforeſaid, ſhall, from Time to Time, during his Continuance in that Office, and no longer, be, and he hereby is declared to be, exempted and privileged from ſerving in the Office of Commiſſioner or Overſeer of the Highways, or Conſtable, and from being impannelled upon any Jury or Inqueſt, and from Militia Duty, except in Caſes of Invaſion or other imminent Danger; and that for this Purpoſe, the Name of each Fireman to be nominated and appointed by Virtue of this Act, ſhall be regiſtered and entered with the Clerk of the Peace of the ſaid City, and his Certificate ſhall be ſufficient Evidence in all Courts and Caſes of ſuch Privilege and Exemption.

Their Names to be regiſtered with the Clerk of the Peace of the City.

And further, That it ſhall and may be lawful to and for the Mayor, Aldermen and Commonalty of the ſaid City, in Common Council convened, or the major Part of them, to remove and diſplace all or any of the Firemen now appointed, or to be nominated and appointed by Virtue of this Act, when and as often as they ſhall think fit; and others in the Room or Places of ſuch as they ſhall ſo remove or diſplace, to nominate and appoint, and ſo, from Time to Time, as they the ſaid Mayor, Aldermen and Commonalty of the ſaid City, in Common Council convened, or the major Part of them for the Time being, ſhall think proper.

The Common Council may remove or diſplace any ſuch Firemen, and appoint others.

And may eſtabliſh Rules for their Government, and impoſe Fines for Neglect of Duty.

III. *And be it further Enacted by the Authority aforeſaid*, That it ſhall and may be lawful to and for the Mayor, Aldermen and Commonalty of the ſaid City, in Common Council convened, or the major Part of them, to make, eſtabliſh and ordain ſuch Rules, Orders, Ordinances and Regulations, for the Government, Duty and Behaviour of the Perſons to be by them, from Time to Time, nominated and appointed Firemen, by Virtue of this Act, in the working, managing and frequent exerciſing, trying and uſing the ſame Fire-Engines, Tools and other Inſtruments; and to impoſe and eſtabliſh ſuch reaſonable Fines, Penalties and Forfeitures, upon them or any of them, for Default or Neglect of the Duties and Services thereby to be enjoined or required from them, as the Mayor, Aldermen and Commonalty of the ſame City, in Common Council convened, or the major Part of them, ſhall, from Time to Time, think proper.

Sheriffs, Deputy Sheriffs, Conſtables and Marſhals, to aid and aſſiſt at Fires.

IV. *And be it further Enacted by the Authority aforeſaid*, That upon the breaking out of any Fire within the ſaid City, the Sheriff, Deputy Sheriffs, Conſtables and Marſhals, then being in the ſaid City, upon due Notice thereof, ſhall immediately repair to the Place where ſuch Fire ſhall happen, with their Staves and other Badges of Authority, and be aiding and aſſiſting, as well in the extinguiſhing of the ſaid Fires, and cauſing the Perſons attending the ſame to work, as in preventing any Goods or Houſehold Furniture from being ſtolen at ſuch Fires; and the Officers aforeſaid ſhall alſo give their utmoſt Aſſiſtance to the Inhabitants in removing and ſecuring their ſaid Goods and Furniture; and in the Execution of the Duties required from them by this Act, ſhall, in all Reſpects, be obedient to the Orders and Directions of the Mayor, Recorder and Aldermen of the ſaid City, or ſuch of them, as ſhall, from Time to Time, be preſent at ſuch Fires.

And to aſſiſt the Inhabitants to remove their Goods.

The Common Council may order the Inha-

V. *And be it further Enacted by the Authority aforeſaid*, That it ſhall and may be lawful to and for the Mayor, Aldermen and Commonalty of the

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Inhabitants to furniſh themſelves with Buckets.

ſaid City, in Common Council convened, if they ſhall deem it neceſſary and proper, by a Bye-Law or Bye-Laws, Ordinance or Ordinances by them for that Purpoſe to be made and ordained, to direct and require the Inhabitants or Owners of Houſes and other Buildings in the ſaid City, to furniſh and provide themſelves with ſuch and ſo many Fire-Buckets, to be ready in their reſpective Houſes and other Buildings, for the Purpoſes of extinguiſhing Fires which may happen in the ſaid City, and to impoſe and eſtabliſh ſuch reaſonable Fines, Penalties and Forfeitures, for every Neglect, Default or Diſobedience thereof, as they, the ſaid Mayor, Aldermen and Commonalty of the ſaid City, in Common Council convened, ſhall think proper.

CHAP. LXXX.

An ACT *for the better extinguiſhing Fires in the Town of* Brooklyn, *in* King's *County.*

Paſſed 15th March, 1788.

Inhabitants of *Brooklyn*, reſiding near the Ferry, at their annual Meeting, to appoint eight Firemen.

I. BE *it Enacted by the People of the State of* New-York, *repreſented in Senate and Aſſembly, and it is hereby Enacted by the Authority of the ſame*, That it ſhall and may be lawful for the Freeholders and Inhabitants of the Town of *Brooklyn*, in *King*'s County, reſiding near the Ferry, within a Line to begin at the *Eaſt-River*, oppoſite to, and to be drawn up the Road that leads from, the Still-Houſe, late the Property of *Philip Livingſton*, deceaſed, and including the ſame Still-Houſe, and the other buildings on the South Side of the ſame Road, to and acroſs the Road leading from *Bedford* to the Ferry South of the Houſe of *Matthew Gleaves*, and from thence Northeaſterly, including all the Houſes on the Eaſt Side of the Road laſt mentioned, and Eaſt of the Powder Magazine of *Comfort* and *Joſhua Sands*, to the *Eaſt-River* aforeſaid, and from thence down the *Eaſt-River* to the Place of beginning, at the annual Town-Meeting of the Freeholders and Inhabitants of the ſame Town, on the firſt Tueſday in *April* in every Year, to nominate and appoint eight able and ſober Men, reſiding within the Limits aforeſaid, to have the Cuſtody, Care and Management of the Fire-Engine or Engines, and the other Tools and Inſtruments, now provided, or hereafter to be provided, for extinguiſhing Fires within the Limits aforeſaid; and all or any of the Perſons ſo by them to be nominated and appointed, from Time to Time, at any annual or other Town-Meeting, to remove or diſplace, and any other Perſon or Perſons in his or their Place and Stead to nominate and appoint; and that the Perſons ſo to be nominated and appointed, ſhall be called the Fire-Men of *Brooklyn*, and ſhall be ready at all Times, as well by Night as by Day, to manage, work and exerciſe the ſame Fire-Engine or Engines, and the other Tools and Inſtruments aforeſaid now provided, and to be provided, for extinguiſhing Fires within the Limits aforeſaid, and ſhall be ſubject to ſuch Rules, Orders and Regulations in their Conduct, Duty and Behaviour, as the Freeholders and Inhabitants of the ſame Town, reſiding within the Limits aforeſaid, in Town-Meeting convened, ſhall, from Time to Time, make and eſtabliſh, for the better Government of the ſame Firemen: And that ſuch Rules, Orders and Regulations, ſo to be made as aforeſaid, ſhall alſo be entered in the Town-Book, to be kept by the Clerk of the ſame Town.

And at any annual Meeting to diſplace any of them and appoint others.

Who ſhall be ſubject to ſuch Regulations as the ſaid Inhabitants ſhall make at their Town-Meeting.

Firemen exempted from ſerving as Overſeers of Highways, Conſtables and Jurors, and from Militia Duty.

II. *And be it further Enacted by the Authority aforeſaid*, That every Perſon ſo to be nominated and appointed a Fireman as aforeſaid, ſhall be, and hereby is declared to be, during his Continuance in that Office, and no longer, exempted and privileged from ſerving in the Office of Overſeer of the Highways, or Conſtable, and from being impannelled upon any Jury or Inqueſt,

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Inqueſt, and of and from Militia Duty, except in Caſes of Invaſion or other imminent Danger; and to that End, the Name of each Perſon, to be nominated and appointed a Fireman by Virtue of this Act, ſhall be regiſtered and entered in the Town-Book to be kept by the Clerk of the ſame Town as aforeſaid, and his Certificate of ſuch Nomination and Appointment, ſhall be ſufficient Evidence, in all Courts and Caſes, of ſuch Privilege and Exemption.

And their Names to be regiſtered.

III. And *whereas* the Fire Engine or Engines, now provided or hereafter to be provided within the Limits aforeſaid, will want Repairs, and it may be neceſſary to provide other Inſtruments for the extinguiſhing Fires; Therefore, *Be it further Enacted by the Authority aforeſaid*, That it ſhall and may be lawful for the Freeholders and Inhabitants of the ſaid Town of *Brooklyn* reſiding within the Limits aforeſaid, at any Town-Meeting, to direct ſuch Sum or Sums of Money as they ſhall deem neceſſary and proper for the Purpoſe aforeſaid, to be raiſed, levied and collected, at the ſame Time, and in the ſame Manner as the Monies for the Maintenance and Support of the Poor, within the ſame Town are by Law directed to be raiſed, levied and collected, and to be paid into the Hands of the Town-Clerk of the ſame Town, to be by him paid and applied for the Purpoſes aforeſaid, at ſuch Time and Times, and in ſuch Manner as the major Part of the Firemen aforeſaid, ſhall from Time to Time direct and appoint.

Inhabitants at their Town-Meetings may direct Monies to be raiſed for repairing Engines.

CHAP. LXXXI.

An ACT *to prevent the ſtoring of Gun-Powder, within certain Parts of the City of* New-York.

Paſſed 15th March, 1788.

WHEREAS the Practice of ſtoring Gun-Powder within certain Parts of the City of *New-York*, is dangerous to the Safety of the ſaid City; Therefore,

Preamble.

I. *Be it Enacted by the People of the State of* New-York, *repreſented in Senate and Aſſembly, and it is hereby Enacted by the Authority of the ſame*, That it ſhall not be lawful for any Perſon or Perſons, to have or keep any Quantity of Gun-Powder exceeding Twenty-eight Pounds Weight, in any one Place, Houſe, Store or Out-Houſe, leſs than one Mile to the Northward of the City-Hall of the ſaid City, except in the public Magazine at the Freſh-water, which ſaid Quantity of Twenty-eight Pounds, ſhall be ſeparated in four Stone Jugs or Tin Caniſters, each of which ſhall not contain more than ſeven Pounds; and if any Perſon or Perſons ſhall keep any greater Quantity than Twenty-eight Pounds, in any one Place, Houſe, Store or Out-houſe, or if the ſame Gun-powder ſo permitted to be kept as aforeſaid, ſhall not be ſeparated in the Manner herein above directed, he, ſhe or they ſhall forfeit all ſuch Gun-powder ſo kept, contrary to the true Intent and Meaning of this Act, or ſo permitted to be kept, and which ſhall not be ſeparated as aforeſaid; and ſhall alſo forfeit the Sum of *Fifty Pounds* for every Hundred Weight of Powder, and in that Proportion for a greater or leſs Quantity, to be recovered with Coſts of Suit, in any Court having Cognizance thereof, by any Perſon or Perſons who will ſue for the ſame. *Provided always*, That all Actions and Suits to be commenced, ſued or proſecuted, againſt any Perſon or Perſons, for any Thing done contrary to this Act, ſhall be commenced, ſued or proſecuted within two Calendar Months next after the Offence committed, and not at any Time thereafter.

No Perſon to keep more than 28 Pounds of Powder in any one Place within one Mile of the City-Hall, and that to be divided into four Parcels.

Under Penalty of 50l. for every Hundred Weight.

II. And to avoid Dangers from Gun-powder laden on board of any Ship or other Veſſel, arriving from Sea; *Be it further Enacted by the Authority aforeſaid*, That the Commander or Owner or Owners of every Ship or other Veſſel

Commanders of Veſſels to land and ſtore Gun-Powder within 24 Hours after their Arrival.

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Veſſel arriving from Sea, and having Gun-powder on board, ſhall within Twenty-four Hours after her Arrival in the Harbour, and before ſuch Ship or other Veſſel be hauled along Side of any Wharf, Pier or Key within the ſaid City, land the ſaid Gun-powder, by Means of a Boat or Boats, or other ſmall Craft at any Place on the *Eaſt-River*, Eaſt of the Wharf now building by *Thomas Buchanan*, or at any Place on the *North-River*, to the Northward of the Air-furnace, which may be moſt contiguous to any of the Magazines, and ſhall cauſe the ſame to be ſtored in one of the Magazines now built, or hereafter to be built for that Purpoſe, on Pain of forfeiting all ſuch Gun-powder to any Perſon or Perſons who will ſue and proſecute for the ſame to Effect, in Manner aforeſaid.

No Gun-Powder to be carried thro' the Streets but in tight Caſks put in Bags, on Pain of forfeiting the ſame.

III. And to prevent any evil Conſequences which may ariſe from the Carriage of Gun-powder, *Be it further enacted by the Authority aforeſaid*, That all Gun-powder which ſhall be carried through the Streets of the ſaid City, by Carts, Carriages, or by Hand, or otherwiſe, ſhall be in tight Caſks, well headed and hooped, and ſhall be put into Bags or Leather Caſes, and entirely covered therewith, ſo that no Powder may be ſpilled or ſcattered in the Paſſage thereof, on Pain of forfeiting all ſuch Gun-powder as ſhall be conveyed through any of the Streets aforeſaid, in any other Manner than is hereby directed; and it ſhall and may be lawful for any Perſon or Perſons, to ſeize the ſame to his or their own Uſe and Benefit, and to convey the ſame to one of the Magazines aforeſaid, and thereupon to proſecute the Perſon or Perſons offending againſt this Act before the Mayor or Recorder, and any two Aldermen of the ſaid City; and ſuch Gun-powder ſhall upon Conviction be condemned to the Uſe of the Perſon or Perſons ſeizing the ſame.

Mayor, Recorder or any two Aldermen, may, on ſuſpicion of Gun-Powder being concealed, iſſue a Warrant to ſearch for and ſeize the ſame.

IV. *And be it further Enacted by the Authority aforeſaid*, That it ſhall and may be lawful for the Mayor or Recorder, or any two Aldermen of the ſaid City, upon Application made by any Inhabitant or Inhabitants of the ſaid City, and upon his or their making Oath of reaſonable Cauſe of Suſpicion (of the Sufficiency of which the ſaid Mayor or Recorder, or Aldermen is and are to be the Judge or Judges) to iſſue his or their Warrant or Warrants, under his or their Hand and Seal, or Hands and Seals, for ſearching for ſuch Gun-powder, in the Day Time, in any Building or Place whatſoever, within the Limits aforeſaid, or in any Ship or other Veſſel, within Forty-eight Hours after her Arrival in the Harbour, or at any Time after ſuch Ship or other Veſſel ſhall and may have hauled along Side any Wharf, Pier or Key, within the Limits aforeſaid: And that upon any ſuch Search it ſhall be lawful for the Perſons finding any ſuch Gun-powder, immediately to ſeize, and at any Time within *twelve* Hours after ſuch Seizure, to convey the ſame to one of the Magazines aforeſaid; and the ſame Gun-powder being ſo removed, to detain and keep, until it ſhall be determined by the Mayor or Recorder and any two Aldermen of the ſaid City, whether the ſame is forfeited by Virtue of this Act: And the Perſon or Perſons ſo detaining the ſame, ſhall not be ſubject or liable to any Action or Suit for the Detention thereof. *Provided always*, That nothing in this Clauſe of this Act contained, ſhall be conſtrued to authoriſe any Perſon having ſuch Warrant, to take Advantage of the ſame, for ſerving any civil Proceſs of any Kind whatſoever. *Provided alſo*, That nothing in this Act contained ſhall extend to Ships of War, or Packets in the Service of the United States or any of them, or of any foreign Prince or State; nor to authoriſe the ſearching for Gun-powder on board of any ſuch Ship or Veſſel while laying in the Stream, and upwards of one Hundred Yards from the Wharf or Shore.

This Act not to extend to Ships of War or Packets.

Gun-Powder exceeding 28lb. found during a Fire, may be ſeized without Warrant.

V. *And be it further enacted by the Authority aforeſaid*, That if any Gun-powder exceeding Twenty-eight Pounds ſhall be found in the Cuſtody of any Perſon, during any Fire or Alarm of Fire, in the ſaid City, by any Fireman of

of the ſaid City, it ſhall be lawful for him to ſeize the ſame, without Warrant from the Mayor, or Recorder or Aldermen, and to cauſe the ſame to be condemned, in Manner aforeſaid, to his own Uſe; any Thing in this Act to the Contrary notwithſtanding.

CHAP. LXXXII.

An ACT *to prevent the Deſtruction of Deer.*

Paſſed 15th March, 1788.

I. BE *it Enacted by the People of the State of* New-York, *repreſented in Senate and Aſſembly, and it is hereby Enacted by the Authority of the ſame*, That if any Perſon or Perſons ſhall kill or deſtroy any wild Buck, Doe or Fawn, or any other Sort of Deer whatſoever, at any Time in the Months of *January*, *February*, *March*, *April*, *May*, *June* or *July*, every ſuch Perſon ſhall, for every Buck, Doe or Fawn, or other Deer ſo killed or deſtroyed as aforeſaid, contrary to the true Intent and Meaning of this Act, forfeit and pay the Sum of *Three Pounds*, to be recovered with Coſts of Suit, in any Court having Cognizance thereof, by any Perſon or Perſons who will ſue and proſecute for the ſame; the one Moiety of which Forfeiture, when recovered, to be paid to the Overſeers of the Poor of the Town or Place where the Offence ſhall be committed, for the Uſe of the Poor thereof; and the other Moiety to ſuch Perſon or Perſons as ſhall ſue and proſecute for the ſame as aforeſaid.

Any Perſon killing a Deer in *January*, *February*, *March*, *April*, *May*, *June* or *July*, to forfeit 3l.

How to be recovered and applied.

II. *And be it further Enacted by the Authority aforeſaid*, That every Perſon in whoſe Cuſtody ſhall be found, or who ſhall expoſe to Sale any green Deer Skin, freſh Veniſon, or Deer's Fleſh, at any Time in any of the Months before mentioned, and ſhall be thereof convicted before any Juſtice of the Peace, by the Oath of one credible Witneſs, or by the Confeſſion of the Party, ſhall, unleſs ſuch Party ſhall prove that ſome other Perſon killed ſuch Buck, Doe, Fawn, or other Deer, be deemed and adjudged guilty of the ſaid Offence.

Any Perſon having or ſelling any green Deer-Skin or Veniſon in thoſe Months, to be deemed guilty of the ſaid Offence, unleſs he proves that ſome other Perſon killed ſuch Deer.

III. AND in order the more eaſily to convict Offenders againſt this Act, *Be it further Enacted by the Authority aforeſaid*, That it ſhall be lawful for any Juſtice of the Peace in any County of this State, and every ſuch Juſtice is hereby required, upon Demand made by any Perſon, aſſigning a reaſonable Cauſe of Suſpicion, upon Oath (of the Sufficiency of which the ſaid Juſtice is to judge) at any Time in any of the Months before mentioned, to iſſue his Warrant under his Hand and Seal, to any Conſtable of any Town or Place in the ſame County, for ſearching in the Day Time in any Houſe, Store, Out-houſe, or other Place whatſoever, where any green Deer Skin, freſh Veniſon, or Deers Fleſh is ſuſpected to be concealed: And in Caſe any green Deer Skin, freſh Veniſon or Deers Fleſh, ſhall upon ſuch Search be found, the Perſon in whoſe Cuſtody the ſame ſhall be found, or who concealed the ſame, ſhall forfeit the Sum of *Three Pounds*, to be recovered and applied in Manner aforeſaid.

Juſtices authoriſed to iſſue Warrants for ſearching for green Deer-Skins or freſh Veniſon.

IV. *And be it further Enacted by the Authority aforeſaid*, That if any Perſon or Perſons ſhall at any Time hunt, purſue or deſtroy any wild Buck, Doe, or Fawn, or other Deer (except in the County of *Suffolk*) with any Blood-hound or Blood-hounds, Beagle or Beagles, every ſuch Perſon ſhall, for every ſuch Offence, forfeit and pay the Sum of *Three Pounds*, to be recovered and applied as aforeſaid. *Provided*, That nothing in this Clauſe of this Act contained, ſhall be conſtrued to prevent any Perſon or Perſons from making Uſe of any Blood-hounds or Beagles, in the hunting, purſuing or deſtroying of Wolves or other deſtructive wild Animals.

Any Perſon hunting or killing Deer with Blood-Hounds or Beagles, except in *Suffolk* County, to forfeit *three Pounds*.

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Former Laws repealed. ‡ *8th Seſſ. Ch.* 31.

V. *And be it further Enacted by the Authority aforeſaid,* That all former ‡ Acts and Laws of this State concerning Deer, ſhall be and hereby are repealed.

CHAP. LXXXIII.

Private.

An ACT *veſting the Eſtate of* Sarah Ann Delaplaine *in the Truſtees therein named.*

Paſſed 15th March, 1788.

CHAP. LXXXIV.

Private.

An ACT *for the Relief of* Francis Upton.

Paſſed 15th March, 1788.

CHAP. LXXXV.

An ACT *to puniſh Infractions of that Article of the Conſtitution of this State, prohibiting Purchaſes of Lands from the Indians, without the Authority and Conſent of the Legiſlature; and more effectually to provide againſt Intruſions on the unappropriated Lands of this State.*

Paſſed 18th March, 1788.

Preamble.

WHEREAS by the Thirty-ſeventh Section of the Conſtitution of this State, reciting that it is of great Importance to the Safety of this State, that Peace and Amity with the Indians within the ſame be at all Times ſupported and maintained; and that the Frauds too often practiſed towards the ſaid Indians, in Contracts made for their Lands, have in divers Inſtances been productive of dangerous Diſcontents and Animoſities; it is ordained, That no Purchaſes or Contracts for the Sale of Lands, made ſince the fourteenth Day of *October*, One Thouſand Seven Hundred and Seventy-five, or which might thereafter be made with, or of the ſaid Indians within the Limits of this State, ſhall be binding on the ſaid Indians or deemed valid, unleſs made under the Authority and with the Conſent of the Legiſlature of this State. In order therefore more effectually to provide againſt Infractions of the Conſtitution in this Reſpect,

Every Perſon buying or making Contracts for the Sale of Lands with any Indians, without the Authority of the Legiſlature, to forfeit *One Hundred Pounds*, and be puniſhed by Fine and Impriſonment.

I. *Be it Enacted by the People of the State of* New-York, *repreſented in Senate and Aſſembly, and it is hereby Enacted by the Authority of the ſame,* That if any Perſon ſhall hereafter, unleſs under the Authority and with the Conſent of the Legiſlature of this State, in any Manner or Form, or on any Terms whatſoever, purchaſe any Lands within the Limits of this State, or make Contracts for the Sale of Lands within the Limits of this State, with any Indian or Indians, reſiding within the Limits of this State, every Perſon ſo purchaſing, or ſo making a Contract, ſhall be deemed to have offended againſt the People of this State, and ſhall, on Conviction, forfeit *One Hundred Pounds* to the People of this State, and ſhall be further puniſhed by Fine and Impriſonment, in the Diſcretion of the Court.

Every Perſon diſpoſing of, or intruding, or ſettling on any Lands, under Colour of any Contract, for the Sale of Lands, made with any Indians ſince 14th *October*, 1775, without Conſent of the Legiſlature, to forfeit £. 100.

II. *And be it further Enacted by the Authority aforeſaid,* That every Perſon who ſhall hereafter give, convey, ſell, demiſe or otherwiſe diſpoſe of, or offer to give, convey, ſell, demiſe or otherwiſe diſpoſe of any Lands within the Limits of this State, or any Right, Intereſt, Part or Share, of or in any Lands within the Limits of this State, or intrude or enter on, or take Poſſeſſion of, or ſettle on any Lands within the Limits of this State, pretending or claiming any Right, Title or Intereſt in ſuch Lands, by Virtue, under Colour, or in Conſequence of any Purchaſe from, or Contract for the Sale of Lands made with any ſuch Indian or Indians as aforeſaid, at any Time ſince the fourteenth

fourteenth Day of *October*, One Thouſand Seven Hundred and Seventy-five, and not under the Authority, and with the Conſent of the Legiſlature of this State, every ſuch Perſon ſhall be deemed to have offended againſt the People of this State, and ſhall on Conviction, forfeit the Sum of *One Hundred Pounds*, to the People of this State, and be further puniſhed by Fine and Impriſonment, in the Diſcretion of the Court.

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And be puniſhed by Fine and Impriſonment.

III. *And be it further Enacted by the Authority aforeſaid*, That if any Perſons, other than Indians, ſhall, after the paſſing of this Act, take Poſſeſſion of, or intrude or ſettle on any of the waſte or ungranted Lands of this State, lying Eaſtward of the Lands ceded by this State to the Commonwealth of *Maſſachuſetts*, and Weſtward of the Line or Lines commonly called the *Line of Property*, agreed on between the Indians and the Superintendant of Indian Affairs, in the Year One Thouſand Seven Hundred and Sixty-eight, every Perſon ſo taking Poſſeſſion of, or intruding or ſettling on any ſuch waſte or ungranted Lands, within the Limits aforeſaid, ſhall be deemed as holding ſuch Lands by a foreign Title, againſt the Right and Sovereignty of the People of this State; and it ſhall and may be lawful for the Perſon adminiſtring the Government of this State for the Time being, and it is hereby declared to be his Duty to remove, or cauſe to be removed, from Time to Time, by ſuch Means, and in ſuch Manner as he ſhall judge proper, all Perſons, other than Indians, who ſhall ſo take Poſſeſſion of, or ſettle or intrude on any of the waſte or ungranted Lands of this State, within the Limits aforeſaid, and to cauſe the Buildings or other Improvements of ſuch Intruders on ſuch Lands to be deſtroyed; and for that Purpoſe, in his Diſcretion, to order out any Proportion of the Militia from any Part of this State, and ſuch an Occaſion to be deemed an Emergency, intended in the ſecond Section of the Act, entitled, *An* Act *to regulate the Militia*, paſſed the 4th Day of *April*, 1786. And the Detachments ſo from Time to Time to be ordered out, ſhall receive the ſame Pay and Rations, and be ſubject to the ſame Rules and Regulations, as is provided in the ſaid Section of the ſaid Act.

All Perſons, except Indians, taking Poſſeſſion of, or intruding on certain waſte Lands to be deemed as holding under a foreign Title, againſt this State.

Governor authoriſed to remove ſuch Perſons by the Aſſiſtance of the Militia or otherwiſe.

IV. And for defraying the Expences of paying and ſubſiſting the Militia, ſo from Time to Time to be ordered out, and of the Contingencies to ariſe in ſuch Services, *Be it further Enacted by the Authority aforeſaid*, That it ſhall be lawful for the Perſon adminiſtring the Government of this State for the Time being, from Time to Time, by Warrant under his Hand, to draw from the Treaſury of this State, ſuch Sum and Sums of Money as he ſhall deem neceſſary, not exceeding *Two Thouſand Pounds:* And the Treaſurer is hereby required, out of any Monies he may have in the Treaſury, forthwith to anſwer every ſuch Warrant, any other Appropriation of the Monies in the Treaſury, except Appropriations to private Perſons in Diſcharge of Contracts, notwithſtanding. And every Perſon to be appointed or intruſted, by the Perſon adminiſtring the Government, with the Expenditure of any of the ſaid Monies, ſhall be reſponſible to the People of this State for the reſpective Expenditures, and ſhall account with the Auditor of this State accordingly.

Governor authoriſed to draw Monies from the Treaſury.

CHAP. LXXXVI.

An ACT *for raiſing Monies by Tax.*

Paſſed 19th March, 1788.

Obſolete.

CHAP. LXXXVII.

An ACT *to naturalize the Perſons therein named.*

Paſſed 20th March, 1788.

Private.

CHAP.

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CHAP. LXXXVIII.

An ACT *to prevent breaking and defacing Mile-Stones and public Monuments.*
Paſſed 20th March, 1788.

Preamble.

WHEREAS the Erection of Mile-Stones, Hands, Pointers and other Monuments for the Direction of Travellers along the public Roads, greatly contributes to the Convenience of ſuch Travellers: Therefore,

Any Perſon removing, breaking or defacing any Mile-ſtone or other Monument for the Direction of Travellers, to forfeit *three Pounds*.

Be it Enacted by the People of the State of New-York, *repreſented in Senate and Aſſembly, and it is hereby Enacted by the Authority of the ſame*, That if any Perſon or Perſons ſhall remove or wilfully break, deface or in any wiſe damage any of the Mile-Stones, Hands, Pointers, or any other Monument already erected or put up, or hereafter to be erected or put up within this State, for the Direction of Travellers, the Perſon or Perſons ſo removing or wilfully breaking, defacing or in any wiſe damaging any of the ſaid Mile-Stones, Hands, Pointers, or any other Monument, ſhall forfeit and pay the Sum of *Three Pounds* for every Mile-Stone, Hand, Pointer, or other Monument ſo removed, broken, defaced or otherwiſe damaged; to be recovered with Coſts of Suit, in any Court having Cognizance thereof, by any Perſon or Perſons who will ſue and proſecute for the ſame; the one Moiety of which Forfeiture, when recovered, to be paid to the Perſon or Perſons ſuing and proſecuting for the ſame to Effect; and ſo much of the other Moiety as may be neceſſary for that Purpoſe, to be applied to repairing the Damage done, and the Reſidue, if any there be, to be paid to the Overſeers of the Poor of the City or Town where the Offence ſhall be committed, for the Uſe of the Poor thereof. And if any Perſon or Perſons convicted of any of the Offences herein mentioned, ſhall refuſe or neglect to pay ſuch Forfeiture, he, ſhe or they ſo convicted, ſhall be committed to the common Gaol of the County, there to remain without Bail or Mainprize for the Space of *Thirty* Days, unleſs ſuch Forfeiture ſhall be ſooner paid.

How to be recovered and applied.

CHAP. LXXXIX.

An ACT *to extend the Powers of the Commiſſioners of the Land-Office to the Caſes therein mentioned, and for other Purpoſes.*
Paſſed 20th March, 1788.

Preamble.
‡ *9th Seſſ. Ch.* 67.

WHEREAS by the ſecond Proviſo to the nineteenth Section of the Act, entitled "‡ An Act for the ſpeedy Sale of the unappropriated Lands within this State, and for other Purpoſes therein mentioned," paſſed the fifth Day of *May*, One Thouſand Seven Hundred and Eighty-ſix, every Perſon entitled to the Benefit intended by the ſaid Section of the ſaid Act, was directed to make Application therefor to the Commiſſioners, appointed by the ſaid Act, within ſix Months after the paſſing of the ſaid Act. *And whereas* ſo great a Part of the ſaid Time was elapſed before the ſaid Act was printed, that many of the Perſons for whoſe Benefit the ſaid Section was intended, could not avail themſelves thereof: Therefore,

Time for making certain Grants extended.

I. *Be it Enacted by the People of the State of* New-York, *repreſented in Senate and Aſſembly, and it is hereby Enacted by the Authority of the ſame*, That it ſhall and may be lawful to and for the Commiſſioners appointed by the ſaid Act, to make Grants of unappropriated or ungranted Lands, in Manner directed by the nineteenth Section of the ſaid Act, paſſed the fifth Day of *May*, One Thouſand Seven Hundred and Eighty-ſix. *Provided*, That Application to the ſaid Commiſſioners for ſuch Grant, be made on or before the firſt Day of *January* next, enſuing the paſſing of this Act.

II. AND

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II. AND *whereas* adverſe Claims are made by Perſons who have heretofore located unappropriated or ungranted Lands, by Virtue of the Laws of this State, authoriſing Locations of Land, and others claiming the Benefit of the third Section of the Act, entitled, ‡ *An Act to prevent Grants or Locations of the Lands therein mentioned*, paſſed the Twenty-fifth Day of *July*, One Thouſand Seven Hundred and Eighty-two, and of the Proviſo annexed to the ſaid third Section, and no Mode is directed by the ſaid Act, or any other Act, for the Conduct of the Surveyor-General, and of the ſaid Commiſſioners in ſuch Caſes; For Remedy whereof, *Be it further Enacted by the Authority aforeſaid*, That where any unappropriated or ungranted Lands have heretofore, or hereafter ſhall be located by any Perſon or Perſons, if ſuch Lands were occupied and poſſeſſed, on or before the paſſing of the ſaid Act laſt mentioned, by the preſent Occupant or Poſſeſſor, or by any Perſon who is the Heir or legal Repreſentative of any original Occupant or Poſſeſſor, if ſuch original Occupant or Poſſeſſor did not go off to or join the Enemies of this State during the late War, then the Lands ſo occupied and poſſeſſed ſhall not be granted to the Perſon or Perſons having located the ſame; but if it ſhall appear that the Lands ſo located were originally occupied by the Perſon or Perſons ſo locating the ſame, or that the preſent Occupant did not, on or before the Twenty-fifth Day of *July*, One Thouſand Seven Hundred and Eighty-two, actually occupy and poſſeſs the ſame; that he is not the Heir or legal Repreſentative of the original Occupant; that being ſuch Heir or legal Repreſentative, the original Occupant did go off to and join the Enemies of this State during the late War, that then, and in either of theſe Caſes, the Lands ſo located, ſhall be granted to the Perſon or Perſons having ſo located the ſame, or to his or their legal Repreſentatives; and in order to enable the Commiſſioners aforeſaid to determine to which of the Claimants a Grant ſhall paſs, for ſuch Lands ſo located or occupied, the Surveyor-General ſhall, at the Requeſt of the Perſon or Perſons having located ſuch Lands, or at the Requeſt of the Occupant, return a Survey of the Lands, ſo in Controverſy, to the ſaid Commiſſioners, who ſhall cauſe a Notice to be ſerved on the adverſe Party, and ſhall appoint a Day to hear the ſaid Parties, and their reſpective Evidences; and having ſo heard, ſhall determine agreeable to Law, to which of the Parties ſuch Lands ſhall be granted, and ſhall accordingly direct the ſame to be granted; any Thing in any Law of this State to the Contrary notwithſtanding.

‡ *6th Seſſ. Ch.* 11.

Mode in which the Commiſſioners ſhall determine adverſe Claims between Locators and Perſons claiming by Virtue of Poſſeſſion.

III. *And be it further Enacted by the Authority aforeſaid*, That previous to the paſſing of any Grant to ſuch Occupant as aforeſaid, he ſhall produce a Receipt from the Treaſurer of this State, that he has paid to the ſaid Treaſurer at the Rate of *One Shilling* per Acre, for every Acre contained in the Tract for which he is to obtain ſuch Grant as aforſaid, in any Certificates ſigned by *Gerard Bancker*, as Treaſurer of this State.

Such Poſſeſſor to pay for the Land before he obtains a Grant.

IV. *And be it further Enacted by the Authority aforeſaid*, That all Perſons having Military Certificates, on Bounties of unappropriated Lands, ſhall make their reſpective Locations by Virtue of ſuch Certificates, on or before the firſt Day of *July*, which will be in the Year One Thouſand Seven Hundred and Eighty-nine; and that no Location ſhall be made by Virtue of any ſuch Certificate from and after the ſaid firſt Day of *July*, in the ſaid Year One Thouſand Seven Hundred and Eighty-nine: *Provided*, That no ſuch Location which ſhall have been made on any Lands, which were the Property of the *Oneida*, *Onondaga*, *Cayuga*, *Tuſcarora*, or *Seneca* Nations of Indians, or of any of them, on the firſt Day of *January*, in the Year One Thouſand Seven Hundred and Eighty-five, ſhall take effect, unleſs ſuch Location ſhall have been made before that Day, and unleſs alſo the Indian Right to ſuch Lands ſhall by a Ceſſion in any Form from the Indians to the People of this State, be

Locations on Military Certificates to be made before 1ſt *July*, 1789, and not after.

No Locations on Lands belonging to the *Oneidas*, *Onondagas*, *Cayugas*, *Tuſcaroras* or *Senecas*, on 1ſt *January*, 1785, to take Effect unleſs made before that Day, nor unleſs the Indian Right be extinguiſhed before 1ſt *July*, 1789.

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be extinguiſhed before the firſt Day of *July*, One Thouſand Seven Hundred and Eighty-nine. *And further*, That if the Indian Right to ſuch Lands, ſhall be ſo ¶ extinguiſhed, the Tract of Land ſet apart for the Uſe of the Troops of this State, by Virtue of the firſt Section of the Act, entitled, † *An Act to prevent Grants or Locations of the Land therein mentioned*, paſſed the Twenty-fifth Day of *July*, One Thouſand Seven Hundred and Eighty-two, ſhall be then appropriated to the Uſe of ſuch Troops, inſtead of the Lands now appropriated to ſuch Uſe, by Virtue of the Act, entitled, ‡ *An Act for the ſpeedy Sale of the unappropriated Lands within this State, and for other Purpoſes therein mentioned*, paſſed the 5th Day of *May*, 1786.

If the Indian Right ſhall be ſo extinguiſhed the Lands formerly ſet apart for the Troops of this State, ſhall be appropriated to their Uſe, inſtead of the Lands ſet apart for them by Act of 5th *May*, 1786.

†6*th Seſſ. Ch.* 11.

‡9*th Seſſ. Ch.* 67.

V. *And be it further Enacted by the Authority aforeſaid*, That all Perſons who are now entitled to Letters Patent for any Lands, ſhall cauſe the ſame to be ſurveyed at their own Expence reſpectively, by the Surveyor-General or one of his Deputies, and ſhall ſue out ſuch Letters Patent on or before the firſt Day of *March* next. *And further*, That all Perſons who ſhall, after the Paſſing of this Act, become entitled to Letters Patent for any Lands, ſhall cauſe the ſame to be ſurveyed at their own Expence reſpectively, by the Surveyor-General, or one of his Deputies, and ſhall ſue out ſuch Letters Patent within one Year from the Time they ſhall reſpectively become entitled thereto, or in Default thereof, that they forfeit their reſpective Rights to ſuch Letters Patent, and that the Lands ſhall be accordingly grantable to others: *Provided always*, That if the Perſons entitled to Letters Patent, ſhall reſpectively make it appear, to the Satisfaction of the Commiſſioners of the Land-Office, that the Lands could not be ſurveyed within the Periods for that Purpoſe hereby limited, it ſhall be in the Diſcretion of the Commiſſioners to grant ſuch farther Time, and from Time to Time, to the ſaid ſeveral Perſons, for making the reſpective Surveys, as they ſhall deem reaſonable.

Perſons now entitled to Grants, to ſue out their Patents by 1ſt *March*, 1789.

Perſons hereafter becoming entitled to Lands, to have them ſurveyed at their own Expence, and ſue out Letters Patent within *one* Year.

Commiſſioners may allow further Time for making ſuch Surveys.

VI. *And be it further Enacted by the Authority aforeſaid*, That all Perſons having made Locations by Virtue of Military Certificates on any Lands lying within the Town of *Chemung*, ſhall cauſe the ſame Lands to be ſurveyed at their own Expence reſpectively, by the Surveyor-General, or one of his Deputies, before the firſt Day of *July* next.

Locations in *Chemung*, to be ſurveyed at the Expence of the Party before 1ſt *July*, 1788.

VII. *And whereas Timothy Church, Iſrael Smith, Samuel Bixby* and *William White*, four of the Perſons deemed to be entitled to Lands in the Tract appropriated for the Uſe of the Perſons who have ſuffered in oppoſing the pretended Government of *Vermont*, have cauſed the ſaid Tract and the ſeveral Allotments therein, to be ſurveyed and run out, and have actually paid, and remain liable to pay Monies as and for the Expences of ſuch Survey: Therefore, *Be it further Enacted by the Authority aforeſaid*, That it ſhall and may be lawful for the Commiſſioners of the Land-Office, to examine the Accounts of the ſaid *Timothy Church, Iſrael Smith, Samuel Bixby* and *William White*, of the Expences incurred by them, in and about ſuch Survey, and aſcertain the Amount thereof as the Commiſſioners ſhall deem juſt and reaſonable, and ſuch Amount ſhall be, and hereby is declared, charged on the whole of the Lands ſo appropriated as aforeſaid, and the ſeveral Perſons to whom Grants of any of the Lands ſo appropriated as aforeſaid, ſhall have been, or ſhall be ordered to iſſue, ſhall, before they ſhall be entitled to receive their Grants, either pay to the Secretary of the State for the Uſe of the ſaid *Timothy Church, Iſrael Smith, Samuel Bixby* and *William White*, the reſpective Proportions of the ſaid Grantees, of ſuch Amount of the Expences of the ſaid Survey, according to the Number of Acres granted to the ſaid Grantees reſpectively, or produce to the Secretary, Receipts from the ſaid *Timothy Church, Iſrael Smith, Samuel Bixby* and *William White*, or either of them, to them the ſaid ſeveral Grantees for the Amount of the Sums to be paid by them

Commiſſioners to examine, and aſcertain the Expence incurred by *Timothy Church*, and others, in the Survey of certain Lands of the *Vermont* Sufferers, and each Perſon entitled to a Grant, to pay his Proportion of ſuch Expence before a Patent iſſues.

¶ *See* 12*th Seſſ. Ch.* 44.

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them, as their reſpective Proportions of the ſaid Expences. That where Allotments in the ſaid Tract have been allotted to two or more Perſons, it ſhall be lawful for the Commiſſioners to grant to the ſeveral Perſons their reſpective Parts in ſeveralty, as the Commiſſioners ſhall deem proper. That it ſhall be lawful for the Commiſſioners to order a Grant to iſſue to *William Guthrie*, *William Guthrie*, junior, and *Reuben Kirby*, for Allotment Number Eighty-one in the Tract aforeſaid; and that Allotment Number Seventy-five be deemed as allotted to *Thomas Baker* and *Samuel Bixby*, inſtead of the ſaid Allotment Number Eighty-One. That it ſhall be farther lawful for the Commiſſioners to iſſue a Grant to *Philip Frisbee*, *Samuel Frisbee*, *Philip Frisbee*, junior, *Ephraim Guthrie*, *Eben Landers*, *Seth Stone*, *Goold Bacon*, *Heman Stone*, *Nathaniel Benton*, junior, *Joſeph Landers* and *Roderick Moore*, and ſuch Perſons as ſhall be Aſſociates of the ſaid eleven Perſons laſt named Allotments, Numbers Forty-five and Sixty-one; and they the ſaid *William Guthrie*, *William Guthrie*, junior, *Reuben Kirby*, and the ſaid *Philip Frisbee*, *Samuel Frisbee*, *Philip Frisbee*, junior, *Ephraim Guthrie*, *Eben Landers*, *Seth Stone*, *Goold Bacon*, *Heman Stone*, *Nathaniel Benton*, junior, *Joſeph Landers*, and *Roderick Moore*, and their Aſſociates, ſhall pay into the Treaſury of this State, in any public Securities, ſigned by the Treaſurer of this State, at the Rate of *One Shilling* and *Three-Pence* per Acre for the Lands to be granted to them reſpectively, and to be paid before they ſhall ſeverally be entitled to receive their reſpective Grants. That where Grants for any Lands within the Tract aforeſaid have been or ſhall hereafter be ordered or directed to iſſue, if the ſeveral Grantees ſhall not within ſuch reaſonable Time, as the Commiſſioners ſhall from Time to Time aſſign, ſue out their reſpective Grants, it ſhall be in the Diſcretion of the Commiſſioners to order and direct the Surveyor-General to ſell ſuch Lands, and to direct Grants to iſſue to the reſpective Purchaſers as is provided in other Caſes of Lands to be ſold by the Surveyor-General.

Commiſſioners may grant to each Perſon his Part in ſeveralty.

And to *W. Guthrie* and others, Lot No. 81.

And to *T. Baker*, and *S. Bixby*, Lot No. 75.

And to *P. Friſbee*, and others, Lots No. 45 and 61.

Perſons not ſuing out their Patents for ſaid Lands within a Time to be appointed by the Commiſſioners, to forfeit their Claim to the ſame.

VIII. *And be it further Enacted by the Authority aforeſaid*, That the Commiſſioners of the Land-Office ſhall direct the Surveyor-general to ſurvey the Iſland commonly called *Nutten-Iſland*, or *Governor's-Iſland*, and to lay out the ſame into Lots not exceeding two Acres each, with ſuch Lanes or Streets as the Commiſſioners ſhall deem proper, and ſhall direct the Surveyor-general to ſell the ſaid Lots in ſuch Manner as he is required to ſell unappropriated Lands, by the ‡ *Act for the ſpeedy Sale of unappropriated Lands*, paſſed the fifth Day of *May*, in the Year One Thouſand Seven Hundred and Eighty-ſix; and that on ſuch Sales, no public Securities, other than ſuch as are ſigned by the Treaſurer or Auditor of this State, ſhall be received in Payment. *And Provided further*, That it ſhall be in the Diſcretion of the Commiſſioners, to direct ſuch Parts of the ſaid Iſland as they ſhall deem proper to be reſerved for Fortifications, to remain unſold.

Commiſſioners to direct *Nutten*, or *Governor's* Iſland to be laid out into Lots and ſold.

‡ *9th Seſſ. Ch.* 67.

IX. *And be it further Enacted by the Authority aforeſaid*, That it ſhall be lawful for the Commiſſioners of the Land-Office, to iſſue a Grant to *John Garnſey*, of the Lands located by him in the Tract purchaſed from the Indians in the Year One Thouſand Seven Hundred and Eighty-five, or of ſuch vacant Lands near or adjacent to the Lands ſo located, as ſhall be equal to the Quantity of Land which he was entitled to locate.

Commiſſioners to iſſue a Grant to *John Garnſey*, for certain Lands.

X. *And be it further Enacted by the Authority aforeſaid*, That no Certificates iſſued either by *William Denning*, *Joſeph Bindon*, *Jonathan Burrel*, *John Pierce*, *Joſeph Pannel* or *Edward Fox*, ſhall be received in Payment for any Lands hereafter to be ſold by order of the Commiſſioners of the Land-office.

Certain Certificates not receivable in Payment for Lands.

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CHAP. XC.

An ACT *relating to the forfeited Eſtates.*

Paſſed 21ſt March, 1788.

Office of Commiſſioner of Forfeitures to ceaſe after 1ſt *September*, 1788.

And Surveyor General to execute that Duty.

I. BE *it Enacted by the People of the State of* New-York, *repreſented in Senate and Aſſembly, and it is hereby Enacted by the Authority of the ſame*, That the Office of Commiſſioner of Forfeitures within this State, ſhall ceaſe on the firſt Day of *September* next; and that all real Eſtates forfeited to the People of this State, and thereafter to be ſold or diſpoſed of, ſhall be ſold and diſpoſed of by the Surveyor-General of this State for the Time being, who ſhall for that Purpoſe be veſted with the ſame Authorities as are now veſted in the Commiſſioners of Forfeitures. That the Form of the Conveyance to be executed by the Surveyor-General, ſhall be as follows, *viz.*

Form of Conveyances to be given by Surveyor General.

" To all to whom theſe Preſents ſhall come, I ——— ———, Surveyor-
" General of the State of *New-York*, ſend Greeting: KNOW YE, That by
" Virtue of the Authority veſted in me by the Laws of the ſaid State, and
" in Conſideration of the Sum of ———, I have granted, bargained, ſold,
" enfeoffed and confirmed, and by theſe Preſents do grant, bargain, ſell, en-
" feoff and confirm unto ———, all the Eſtate, Right, Title and Intereſt of
" the People of the ſaid State, of, in and to (here deſcribe the Lands or Te-
" nements.) TO HAVE AND TO HOLD the Premiſes hereby granted,
" bargained, ſold, enfeoffed and confirmed to the ſaid ——— Heirs and As-
" ſigns, to the proper Uſe and Behoof of the ſaid ——— Heirs and Aſſigns
" forever. IN TESTIMONY WHEREOF, I have hereunto ſet my Hand
" and Seal, the ——— Day of ———, in the Year of our Lord ———, and
" in the ——— Year of the Independence of the ſaid State."

All the Right of the State to the Lands mentioned in ſuch Conveyance, to veſt in the Grantees.

THAT all the Eſtate, Right, Title and Intereſt, both at Law and in Equity, whether in Poſſeſſion, Reverſion or Remainder, and which in Conſequence of the Attainder or Conviction of any Perſon hath become forfeited to, attached or veſted in the People of this State, of, in or to the Lands or Tenements in the reſpective Conveyances mentioned, ſhall, by Virtue of ſuch reſpective Conveyances, paſs to and veſt in the reſpective Grantees, their Heirs and Aſſigns; and they ſhall reſpectively maintain any Action for the Recovery of the Lands and Tenements, any actual Seiſin or Poſſeſſion thereof in any other Perſon notwithſtanding; and ſuch Conveyance ſhall be deemed to operate as a Warranty from the People of this State for ſecuring to the reſpective Grantees, their Heirs and Aſſigns, the Lands and Tenements by ſuch Conveyances reſpectively conveyed.

And the Conveyance to operate as a Warranty.

Commiſſioners of Forfeitures, after 1ſt *September*, 1788, to deliver all Papers relating to their Office, to the Surveyor-General.

Who may ſell Lands ſubject to Controverſy, or where the State has a leſs Intereſt than the abſolute Property, but ſhall in ſuch Caſes give Notice thereof at the Time of Sale.

II. *And be it further Enacted by the Authority aforeſaid*, That the Commiſſioners of Forfeitures ſhall, as ſoon as conveniently may be, after the ſaid firſt Day of *September* next, deliver to the Surveyor-General for the Time being, all the Maps, Papers, Conveyances and other Documents, in their Poſſeſſion reſpectively, as Commiſſioners as aforeſaid, in any wiſe relating to forfeited Eſtates. That in all Caſes where the Surveyor-General, he having the Opinion and Advice of the Attorney-General, ſhall deem forfeited Lands, to be ſubject to, or incumbered with Claims or Controverſy, and in all Caſes where he ſhall deem the People of this State to have a leſs Intereſt than the abſolute Property in the whole of the Lands, it ſhall be lawful for him notwithſtanding, to ſell ſuch Lands; but it ſhall be his Duty in ſuch Caſes, at the Time and Place of Sale, and for at leaſt three Hours before the Sales, to affix in ſome public and convenient Place there, a Writing containing a State of all the material Facts and Circumſtances relating to ſuch Claim or Controverſy, or relating to ſuch Intereſt of the State, as far forth as the ſame ſhall have come to his Knowledge; to the End that all Perſons who ſhall be then and there attending with Intent to purchaſe, may be informed of ſuch Claim or Controverſy,

troverſy, and of the Nature and Extent of the Intereſt of the State in the Lands: But the Conveyance in ſuch Caſes ſhall not be deemed to operate as a Warranty from the People of this State; and there ſhall accordingly be inſerted in the Conveyance, immediately before the Words, "IN TESTIMONY," the Words following, *viz.* "Theſe Preſents however are in no wiſe to operate as a Warranty."

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And in ſuch Caſes, the Conveyance not to opperate as a Warranty.

III. *And be it further Enacted by the Authority aforeſaid*, That in all Sales of forfeited Eſtates hereafter to be made, no other public Securities, except ſuch as are ſigned by the Treaſurer or Auditor of this State, ſhall be received in Payment.

Securities ſigned by the Treaſurer or Auditor only, to be received in Payment for forfeited Eſtates.

IV. AND *whereas* notwithſtanding the Length of Time given by the Legiſlature of this State, to ſuch as were indebted to Perſons, whoſe Eſtates have been forfeited as aforeſaid, to pay the ſaid Debts into the Treaſury in public Securities, there is Reaſon to believe that many of the ſaid Debtors have withheld ſuch Payments, and not availed themſelves of the Benefit intended them by ſuch Proviſion; Therefore, *Be it further Enacted by the Authority aforeſaid*, That if any Perſon ſhall at any Time after the firſt Day of *November* next, apply to the Treaſurer of this State, and produce to him a Bond, Bill or other Contract, being the Evidence of a Debt, and made or executed to any Perſon attainted or convicted of adhering to the Enemies of this State, and if the Debtors ſhall not theretofore have made any Payments into the Treaſury, as Payment on ſuch Bond or other Contract, or having made a Payment or Payments, ſhall not have paid to the full Amount of what ſuch Debtor ought, by Law, to have paid, in order to be wholly diſcharged from ſuch Bond or other Contract, it ſhall be lawful for ſuch Applicant to pay into the Treaſury, in any public Securities iſſued from the Treaſury, the Amount of what ſhall appear to be due on ſuch Bond or other Contract; and where any Payment or Payments in Part hath or have been made into the Treaſury by the Debtor, the Amount of ſuch Payments, in Part, ſhall, in ſuch Caſes, be deducted from what would otherwiſe have been due on ſuch Bond or other Contract; and the Treaſurer ſhall thereupon indorſe on ſuch Bond or other Contract, a Certificate of ſuch Payment by ſuch Applicant, and ſuch Applicant, his or her Executors or Adminiſtrators, ſhall thereupon, by Virtue of this Act, have an Action in his or their own Name or Names, againſt the Debtor or Debtors, his, her or their Heirs, Deviſees, Executors or Adminiſtrators, for the Recovery of the Sum ſo certified to have been paid into the Treaſury by ſuch Applicant, with lawful Intereſt for the ſame from the Time of ſuch Payment. *Provided*, That in computing whatever may be due on ſuch Bond or other Contract, no Intereſt ſhall be deemed as having accrued between the firſt Day of *January*, in the Year One Thouſand Seven Hundred and Seventy-ſix, and the firſt Day of *January*, in the Year One Thouſand Seven Hundred and Eighty-four.

After 1ſt *Nov.* 1788, any Perſon may produce to the Treaſurer any Bond or other Contract executed to any attainted Perſon, and pay the Amount due thereon in any public Securities, iſſued from the Treaſury.

Treaſurer to indorſe a Certificate of ſuch Payment thereon, and the Perſon paying the ſame may then recover the Amount of ſuch Debt from the Perſon who executed ſuch Bond, or other Contract.

But no Intereſt ſhall be computed between 1ſt *January*, 1776, and 1ſt *January*, 1784.

V. AND to the End that the Debtors and their Heirs, Deviſees, Executors and Adminiſtrators, may be completely indemnified againſt Suits on ſuch Bonds or other Contracts in foreign Judicatories; *Be it further Enacted by the Authority aforeſaid*, That the Plaintiff, in the Caſe of ſuch Recovery as laſt aforeſaid, ſhall not be entitled to an Execution, unleſs he or ſhe ſhall firſt have delivered to the Clerk of the Court where the Recovery ſhall be had, the Bond or other Contract, and which ſhall thereafter remain filed in the Office of ſuch Clerk.

Such Bond or other Contract to be depoſited with the Clerk of the Court, before any Execution iſſues.

VI. *Provided always, and be it further Enacted by the Authority aforeſaid*, That nothing in this Act contained, ſhall extend to any Bond, Bill or other Contract, or the Monies due thereon, where one or more of the Co-Obligors have, ſince the War, or do now reſide within the Dominions or Territories of the

This Act not to extend to Bonds or Contracts, where one or more of the Obligors have, ſince the War, or do now reſide in

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Great-Britain, nor to Debts not exceeding *Fifty Pounds*, due by Citizens of this State, who have been Sufferers by the late War.

the King of *Great-Britain*, or to any Debts due from the Perſons who have been Inhabitants of this State, from the firſt Day of *January*, in the Year One Thouſand Seven Hundred and Seventy-ſix, until the preſent Time, and who have been well attached to the Freedom and Independence of this State, and actual Sufferers by the late War, to any Perſon or Perſons who have been convicted or attainted as aforeſaid, if ſuch Debts, when contracted, did not reſpectively amount to upwards of *Fifty Pounds* each; but that all ſuch Debts not exceeding the ſaid Amount as aforeſaid, ſhall be, and are hereby remitted and forever diſcharged, unleſs due to joint Partners or Truſtees, where one or more of the Partners, or the *Ceſtui que Truſt*, have not been attainted or convicted.

Treaſurer to adverti ſe when he will ſettle Claims againſt forfeited Eſtates.

VII. *And be it further Enacted by the Authority aforeſaid*, That the Treaſurer of this State for the Time being, ſhall and may, on or before the firſt Day of *November* next, cauſe Advertiſements to be printed in two or more of the News-Papers printed in this State, notifying all Perſons having Claims againſt any forfeited Eſtates, that he will, at a certain Day to be ſpecified in the ſaid Advertiſements, not leſs than four Months, nor more than ſix Months after the Publication thereof, proceed to a Settlement of the ſaid Eſtates, and the ſeveral Claims thereupon that ſhall be produced to him, liquidated according to Law. And the ſaid Treaſurer ſhall and may, at the Time ſpecified in ſuch Advertiſements, or as ſoon after as may be, adjuſt the ſeveral Claims upon the ſaid Eſtates; and if the Amount of any of the ſaid Eſtates ſhall be equal to the Payment of the liquidated Claims upon the ſame, then the ſaid Treaſurer ſhall immediately proceed to give his Certificates for the Amount of ſuch Claims reſpectively, in the Manner directed by the Act, entitled, ‡ *An* Act *for the ſpeedy Sale of the confiſcated and forfeited Eſtates within this State, and for other Purpoſes therein mentioned*; although the Sale of the ſaid reſpective Eſtates ſhall not have been cloſed in the Manner preſcribed in and by the ſaid laſt mentioned Act.

If the Eſtates are equal to the Payment of ſuch Claims, Treaſurer to give Certificates for the Amount.

‡ 7*th Seſſ. Ch.* 64.

Bonds taken by Perſons as Executors or Truſtees, not to be forfeited, and how Actions ſhall be maintained on ſuch Bonds.

VIII. AND *whereas* ſeveral of the Perſons who are attainted or convicted of adhering to the Enemies of this State during the late War, and whoſe Eſtates have been confiſcated, were Truſtees or Executors, and had taken Bonds or Obligations, and other Securities for Monies in their own Names only, or jointly with others, for Debts due to innocent Perſons: *And whereas* it may be doubted whether by Operation of Law ſuch Debts would not be forfeited to the People of this State by ſuch Attainders or Convictions; Therefore, *Be it further Enacted by the Authority aforeſaid*, That in all Caſes where it ſhall appear that any Bond or Obligation, or other Security for Money, was taken as aforeſaid, by any Perſon or Perſons whoſe Eſtates have been ſo as aforeſaid forfeited, as Executors, or in Truſt for any other Perſon not convicted or attainted as aforeſaid, then, and in every ſuch Caſe, ſuch Debts ſhall not be forfeited, or conſidered as forfeited to the People of this State, but the like Actions ſhall and may be maintained upon the ſame Bonds, Obligations and other Securities for Money, taken by the ſaid Perſon or Perſons jointly with another or others, as if the ſaid convicted or attainted Perſon had not been named in ſuch Bond, Obligation or other Security for Money: And that it ſhall not be neceſſary to name or notice the ſaid convicted or attainted Perſon or Perſons, in any Writ, Plaint, Proceſs or other Proceeding whatſoever, that ſhall or may be brought for the Recovery of the ſaid Debts. *And further*, That if ſuch attainted or convicted Perſon or Perſons was or were named alone in any ſuch Bond or Obligation, or other Security for Money, then the *Ceſtui que Truſt*, and his or her Executors or Adminiſtrators, ſhall be, and is, or are hereby enabled to bring and maintain an Action upon the ſame, in his, her or their own Name or Names, and declare as upon a Bond, Obligation or other Deed or Contract, made to the ſaid convicted or attainted

attainted Perſon or Perſons, in Truſt for him, her or them, or his, her or their Teſtator or Inteſtate, as the Caſe may be; any Law, Uſage or Cuſtom to the Contrary thereof in any wiſe notwithſtanding.

Relief given to Perſons who have been joint Partners and Creditors with attainted or convicted Perſons.

IX. AND for the Relief of joint Partners, and Perſons who may have been joint Creditors with Perſons convicted or attainted as aforeſaid; *Be it further Enacted by the Authority aforeſaid*, That it ſhall and may be lawful for any ſuch joint Partners or Creditors, not convicted or attainted, to bring and maintain any Action or Actions in their own Name or Names, for any Sum or Sums due upon any Bond, Bill, Covenant, Agreement or Contract whatſoever, made to him, her or them, and any other Perſon or Perſons, who ſhall or may have been convicted or attainted as aforeſaid, ſuggeſting in the Declaration, or ſome other Proceeding in the ſaid Action, in general Terms, that the ſaid Perſon or Perſons had been convicted or attainted of adhering to the Enemies of this State; and the Plaintiff or Plaintiffs in any ſuch Actions, ſhall and may recover in like Manner, as if the ſaid convicted or attainted Perſon or Perſons had been naturally dead on the ninth Day of *July*, in the Year One Thouſand Seven Hundred and Seventy-ſix; any Law, Uſage or Cuſtom to the Contrary thereof in any wiſe notwithſtanding.

The Share of the attainted Perſon in the Partnerſhip to belong to the State, and to be paid into the Treaſury.

X. *Provided always, and be it further Enacted by the Authority aforeſaid*, That the Part or Share of the Perſon or Perſons ſo as aforeſaid convicted or attainted, in any Debt or Sum of Money that ſhall be ſo as aforeſaid recovered by Virtue of this Law, ſhall be conſidered as a Debt due to the State from the Perſon or Perſons recovering the ſame, and be payable into the Treaſury of this State, in like Manner as other Debts to the State are or ſhall be made payable by Law, unleſs the Perſon or Perſons ſo recovering the ſame, ſhall be liable for the Debts of the Copartnerſhip; in which Caſe, upon his, her or their filing a Bill in the Court of Chancery of this State, diſcloſing the Circumſtances of the Caſe, and making the Attorney-General for the Time being, a Party thereto, the ſaid Court may give ſuch Relief as ſhall appear to be equitable.

CHAP. XCI.

Private.

An ACT *to empower the Commiſſioners of Forfeitures for the* Weſtern Diſtrict *of this State, to convey the Lands therein mentioned to the preſent Poſſeſſors.*

Paſſed 21ſt March, 1788.

CHAP. XCII.

An ACT *for giving Relief in Caſes of Inſolvency.*

Paſſed 21ſt March, 1788.

Preamble.

WHEREAS many of the Creditors of unfortunate, but honeſt inſolvent Debtors, incline to give ſuch Debtors a general Diſcharge, on the Delivery of their Effects, but are prevented in their humane Intentions by ſome of the Creditors, to the Injury of the Reſt, and to the Prejudice of Trade; For Remedy whereof,

Inſolvents how to be diſcharged.

I. *Be it Enacted by the People of the State of* New-York, *repreſented in Senate and Aſſembly, and it is hereby Enacted by the Authority of the ſame*, That it ſhall be lawful for any Debtor, who now is, or hereafter ſhall become inſolvent, in Conjunction with ſo many of his or her Creditors, or the Attorney or Attornies of any Creditor, in Caſes where the Principal of ſuch Attorney or Attornies reſides without the State, who have or ſhall have Debts *bona Fide* owing to them by ſuch Inſolvent, amounting, at leaſt, to Three-fourths

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Three-fourths of all the Money owing by ſuch Inſolvent, whether the ſame be then due or to become due and payable thereafter, in order to obtain a general Diſcharge, to preſent a Petition to the Chancellor of this State, or to any one of the Juſtices of the Supreme Court, or to any one of the Judges of the Court of Common Pleas, praying that ſuch Inſolvent's Eſtate may be aſſigned, and ſuch Inſolvent diſcharged according to this Act: *Provided*, That no Perſon ſhall become a petitioning Creditor, who may have purchaſed or procured to be aſſigned to him or her, any Debt or Debts due and owing, or to become due and owing by ſuch Inſolvent, except for ſo much only as was actually and *bona Fide* given for the Debt ſo purchaſed or procured.

Creditors purchaſing Debts, to be Petitioners for the Sum actually paid *only*.

II. *And be it further Enacted by the Authority aforeſaid*, That any Perſon or Perſons having any Mortgage, Judgment, Aſſignment, or other real Security, of or upon any Lands, Tenements, Hereditaments, Goods or Chattels, or Thing or Things in Action whatſoever, either to ſuch Perſon or Perſons, or to any other or others, in Truſt for ſuch Perſon or Perſons, for ſecuring the Payment of any Sum or Sums of Money from ſuch Inſolvent, ſhall not for ſuch Sum or Sums become or be conſidered a Petitioner in Favour of ſuch Inſolvent, unleſs ſuch Perſon or Perſons ſhall, upon ſigning the Petition aforeſaid, add to his or her Name ſubſcribed to the ſame Petition, a Declaration in Writing, that he or ſhe doth thereby relinquiſh and give up to the Aſſignee or Aſſignees, to be appointed as herein before ſpecified, ſuch Mortgage, Judgment, Aſſignment or other Security, for the Benefit of all the Creditors of ſuch Inſolvent; and every ſuch Mortgage, Judgment, Aſſignment and Security, ſo relinquiſhed as aforeſaid, and the Lands, Tenements, Hereditaments, Goods and Chattels, and Things in Action ſo mortgaged, aſſigned or affected by ſuch Judgment or Security, ſhall, with the Reſidue of ſuch Inſolvent's Eſtate, veſt in the Aſſignee or Aſſignees of ſuch Inſolvent's Eſtate, for the Purpoſes aforeſaid.

Creditors ſecured by Mortgage, &c. not to become Petitioners, without giving up to the Aſſignees ſuch Mortgages, &c. for the Benefit of all the Creditors.

Such Mortgages, &c. to veſt in the Aſſignees.

III. *And be it further Enacted by the Authority aforeſaid*, That to every Petition to be preſented to the ſaid Chancellor, Juſtice or Judge, ſhall be annexed an Affidavit of each petitioning Creditor, made before a Maſter in Chancery, or one of the Juſtices of the Supreme Court, or one of the Judges of the Court of Common Pleas, that the Sum annexed to the Name of ſuch petitioning Creditor, is juſtly due to him or her, or will become due to him or her at ſome future Time or Times, to be ſpecified in ſuch Affidavit; and that he or ſhe, or any other Perſon to his or her Uſe, hath not received from ſuch Inſolvent, or any other Perſon, any Payment of Part of his or her Demand againſt ſuch Inſolvent in Money, or by Sale, Conveyance, Aſſignment or Delivery of any Lands, Tenements, Hereditaments, Goods, Chattels, or any Thing or Things in Action, or any Gift or Reward whatſoever, upon any expreſs or ſecret, or implied Contract, Promiſe, Engagement, Intent, Truſt or Confidence, that he or ſhe ſhould become a Petitioner, for and in Behalf of ſuch Inſolvent.

Petitioning Creditor to annex an Affidavit to the Petition.

IV. *And be it further Enacted by the Authority aforeſaid*, That no Debt or Debts due by ſuch Inſolvent to any Perſon or Perſons who ſhall petition in Favour of ſuch Inſolvent by Attorney, ſhall be taken and deemed to make any Part of the Three-fourths in Value of the Debt due by ſuch Inſolvent, unleſs ſuch petitioning Attorney ſhall deliver unto the Chancellor, or to the Juſtice of the Supreme-Court, to whom ſuch Petition ſhall be made, or to the Court of Common Pleas, of which the Judge to whom ſuch Petition ſhall be made, was a Member, the original Accounts, or authenticated Copies thereof, and the original Specialties, if any on which the Debt to his Principal has ariſen, with an Affidavit of ſuch Principal annexed in the Form of the Oath herein before preſcribed to be taken by every petitioning Creditor of ſuch Inſolvent, which

Manner of proceeding where Creditors petition by Attornies.

Affidavit

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Affidavit shall be made before a Judge or Justice of one of the Superior or Supreme Courts, or a Notary Public of the State or Kingdom wherein such Creditor shall reside, and be certified under the Hand and Seal of such Judge, Justice or Notary Public.

Insolvents to deliver to the Chancellor, or Judge, an Account of their Creditors, and of the Monies due to them;

And also an Inventory of their Estates.

And to take an Oath.

V. *And be it further Enacted by the Authority aforesaid*, That every such Insolvent shall deliver, or cause to be delivered to the Chancellor, or Justice of the Supreme Court, or Judge of the Court of Common Pleas, at the Time of presenting such Petition, a full, just and true Account of all his or her Creditors, and the Monies owing to them respectively by such Insolvent; and also a full, true and just Inventory, and Account of all the Estate both real and personal in Law and Equity, of such Insolvent; and of all Books, Vouchers and Securities relating to the same; and the said Chancellor, Justice, or such Judge of the Court of Common Pleas, shall administer to such Insolvent, an Oath to the following Effect:

Form of the Oath.

I——, *do solemnly swear, in the Presence of Almighty God, That the Account herewith delivered, is a just and true Account of all my Creditors, and of the Monies owing by me to them respectively, to the best of my Knowledge and Remembrance; and that the Inventory or Account, also herewith delivered, is a just and true Inventory or Account of all my Estate, real and personal, both in Law and Equity, either in Possession, Reversion or Remainder; and that I have not directly or indirectly, sold, leased, or otherwise disposed of or made over, in Trust for myself or otherwise (except as is set forth in the same Account or Inventory) any Part of my Estate, real or personal, for my future Benefit, or for the Benefit of any other Person or Persons, in order to defraud my Creditors, or any of them; and that I have not at any Time, given any Mortgages, Bonds, Notes, or other Specialties, or consented to any Judgment passing against me, except for Money, Property or Effects, actually bought and received, to the real Value of the Sums specified in such Mortgages, Judgments, Bonds, Notes or other Specialties; and that I have in no Instance become a Debtor to any of my Creditors with Intention to defraud any other or others of my Creditors, or with intent to obtain the Benefit of the Act, entitled,* An *Act* for giving Relief in Cases of Insolvency.

Insolvent and petitioning Creditors to publish an Advertisement.

Requiring Creditors to shew Cause why Assignment of the Insolvent's Estate should not be made.

And if no Cause shewn, Chancellor, Judge or Court, to direct an Assignment of the Insolvent's Estate.

WHICH Oath being taken by such Insolvent, he or she and the petitioning Creditors, or one of them, shall cause an Advertisement to be published for *six* Weeks successively in the News-paper printed by the Printer to the State, and in one of the News-papers to be printed in the County in which such Insolvent shall reside or be imprisoned, and if no News-paper is printed in such County, then in one of the News-papers printed in the City of *Albany*, and shall also cause a Copy of such Advertisement, to be put up *six* Mondays successively on the outward Door of the Court-house or Gaol of the City or County in which such Insolvent shall reside or be imprisoned, and by which Advertisement all the Creditors of such Insolvent shall be required to shew Cause, if any they have, by such a Day as shall be appointed by the Chancellor, or Justice, or if such Affidavit is made before a Judge of the Court of Common Pleas, then at the Term of such Court, to be held next after the Expiration of the said *six* Weeks, specifying the Time and Place, when and where such Term shall be held, why an Assignment of the said Insolvent's Estate should not be made, and the said Insolvent discharged according to this Act; at which Day or Term so appointed, or on any other subsequent Day or Term, that the Chancellor or Justice, or Court of Common Pleas may judge proper to appoint, and if no sufficient Cause to the contrary appears, and the Chancellor, Justice of the Supreme Court, or the said Court of Common Pleas shall be satisfied, that the said Insolvent is justly and truly indebted to the subscribing Petitioners in the Sums by them respectively mentioned, and that such Sums amount in the aggregate to Three-fourths of the Debts due by such Insolvent, and that such Insolvent has conformed in all Things to those Matters required of him or her, according to the true Intent and Meaning of this

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Act, the ſaid Chancellor, Juſtice of the Supreme Court, or the ſaid Court of Common Pleas, ſhall direct a Grant or Aſſignment of all ſuch Inſolvent's Eſtate, both in Law and Equity, in Poſſeſſion, Reverſion or Remainder, to be made by ſuch Inſolvent, to the Perſon or Perſons nominated by the Petitioners, or a Majority of them, in Reſpect to the Amount of their ſaid Demands on the ſaid Inſolvent, except ſuch Articles of wearing Apparel and Bedding, as in the Opinion of the Chancellor, Juſtice of the Supreme Court, or Court of Common Pleas aforeſaid, ſhall be reaſonable and neceſſary for ſuch Inſolvent, and for the Family of ſuch Inſolvent to retain; and alſo the Arms and Accoutrements of ſuch Inſolvent, if any there are mentioned in ſuch Inventory, required by Law to be provided by any Citizen enrolled in the Militia.

Except wearing Apparel and Bedding.

And alſo Arms and Accoutrements.

VI. *And be it further Enacted by the Authority aforeſaid*, That it ſhall and may be lawful for the Chancellor, Juſtice, or Court of Common Pleas, before whom ſuch Petition ſhall be depending, upon Application by any Creditor of ſuch Inſolvent, to examine ſuch Inſolvent, his Wife, the petitioning Creditors, and any other Perſon and Perſons upon Oath, touching every Matter relative to the Eſtate, Debts and Credits of the ſaid Inſolvent, and for that Purpoſe to iſſue a Warrant, under the Hand and Seal of ſuch Chancellor or Juſtice, or of a Judge of the ſaid Court of Common Pleas, requiring any Perſon or Perſons to appear and anſwer before the ſaid Chancellor, Juſtice, or Court of Common Pleas, touching the Matters by this Act directed to be heard by them; and every Perſon who being ſerved with ſuch Warrant, ſhall, without reaſonable Let or Hindrance, refuſe or neglect to appear, or appearing, ſhall refuſe to anſwer upon Oath touching the Matters aforeſaid, ſhall forfeit the Sum of *Fifty Pounds*, to be recovered with Coſts of Suit, by Action of Debt, by any Perſon who will ſue for the ſame, and ſhall alſo be committed to Priſon, by Warrant or Order of the ſaid Chancellor, Juſtice or Court, there to remain without Bail or Mainprize, until he or ſhe ſhall ſubmit to anſwer upon Oath as aforeſaid.

Chancellor, Judge or Court, to examine any Perſons concerning the Eſtate of Inſolvents, and to iſſue Warrants for their Appearance.

Perſons neglecting to appear, to forfeit 50*l*.

VII. *And be it further Enacted by the Authority aforeſaid*, That upon ſuch Inſolvent producing a Certificate, under the Hand and Seal, or the Hands and Seals of the Aſſignee or Aſſignees, executed in the Preſence of two Witneſſes, that ſuch Inſolvent has granted, conveyed, aſſigned and delivered for the Uſe of his or her Creditors, all his or her Eſtate, real and perſonal, both in Law and Equity, in Poſſeſſion, Reverſion or Remainder, except as aforeſaid, and all the Books, Vouchers and Securities relating to the ſame, the Chancellor, Juſtice, or Court of Common Pleas, ſhall diſcharge ſuch Inſolvent from all ſuch Debts due at the Time of the Aſſignment, or contracted for before that Time, though payable afterwards, and alſo if in Priſon, from his or her Confinement; which Diſcharge, or the Record thereof, ſhall be a ſufficient Warrant and Authority to the Sheriff or Gaoler for ſetting ſuch Priſoner or Priſoners at large; and the ſaid Diſcharge or the Record thereof, or Tranſcript thereof, duly authenticated, ſhall be alſo concluſive Evidence in all Courts within this State of the Facts therein contained.

Such Inſolvent producing a Certificate from the Aſſignees, of his or her having aſſigned and delivered up his or her Eſtate, to be diſcharged.

VIII. *And be it further Enacted by the Authority aforeſaid*, That it ſhall and may be lawful for any Creditor of any Perſon uſing the Trade of Merchandize, or getting the greateſt Part of his living by buying and ſelling, who hath, or ſhall have been actually impriſoned for *ſixty* Days and upwards, upon Execution in any civil Action, to apply in Perſon or by Attorney (if the Principal reſides without this State as aforeſaid) to the Chancellor or any of the Juſtices of the Supreme Court for Relief, in Caſe ſuch Creditor or the ſaid Attorney ſhall be apprehenſive that the Eſtate or Effects of ſuch Debtor will be waſted or embezzled; and upon ſuch Application, and an Affidavit being made by ſuch Creditor before a Maſter in Chancery, or Juſtice of the Supreme Court,

How a Creditor for 40*l*. or more, of a Merchant who has been impriſoned *ſixty* Days, may proceed to obtain an Aſſignment of his Eſtate, for the Benefit of his Creditors.

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Extended to all Perſons confined for Debts above *Ten Pounds*. *12th Seſſ. Ch.* 24, *Sect.* 16.

Court, or in Caſe of the Reſidence of ſuch Creditor without this State, then in the Manner herein before directed, that ſuch Perſon is juſtly indebted to ſuch Creditor, in a certain Sum of Money then due and to be ſpecified in the ſaid Affidavit, and not leſs than *Forty Pounds*, and that ſuch Debtor is in Priſon on Execution iſſued againſt him in ſome civil Action, and has been ſo impriſoned for *ſixty* Days and upwards, the ſaid Chancellor or Juſtice ſhall order a Publication to be made in the Manner herein before directed, for the Creditors of ſuch Debtor to appear before him at a certain Day in the ſaid Order to be ſpecified, and not leſs than *eight* Weeks after the Publication of ſuch Order, to ſhew Cauſe, if any they have, why an Aſſignment ſhould not be made of the ſaid Debtor's Eſtate, for the Benefit of all his Creditors; and upon that Day or at ſuch ſubſequent Days and Times as the ſaid Chancellor or Juſtice may appoint, if ſo many of the Creditors of ſuch Inſolvent as he ſhall be ſatisfied have Debts owing to them to the Amount of Three-Fourths in Value of all the Debts owing by ſuch Inſolvent, ſhall requeſt an Aſſignment to be made of the Eſtate of ſuch Inſolvent as aforeſaid, and no good Cauſe appears to the contrary, it ſhall be lawful for the ſaid Chancellor or Juſtice to direct ſuch Aſſignment to be made, in like Manner as if the Parties had appeared before him, in Conſequence of a Petition as aforeſaid; each of the ſaid Creditors firſt making an Affidavit, in the Manner herein before directed, that the Sum demanded by ſuch Creditor, is juſtly due to him or her, or will become due to him or her, at ſome future Time or Times to be ſpecified in ſuch Affidavit, and that he or ſhe, or any other Perſon to his or her Uſe, hath not received from ſuch Inſolvent or any other Perſon, any Payment of Part of his or her Demand againſt ſuch Inſolvent, in Money or by Sale, Conveyance, Aſſignment or Delivery of any Lands, Tenements, Hereditaments, Goods, Chattels or any Thing or Things in Action, or any Gift or Reward whatſoever, upon any expreſs, or ſecret, or implied Contract, Promiſe, Engagement, Intent, Truſt or Confidence, that he or ſhe ſhould conſent to or requeſt ſuch Aſſignment; and if ſuch Inſolvent ſhall make ſuch Aſſignment in *ten* Days thereafter, and ſhall conform to the Directions of this Act with Reſpect to petitioning Debtors, ſuch Inſolvent ſhall be thereupon diſcharged, in like Manner as if he had petitioned for his Diſcharge in Conjunction with his Creditors, purſuant to this Act: But if ſuch Inſolvent ſhall refuſe or neglect to make and execute ſuch Aſſignment as aforeſaid, the ſaid Chancellor or Juſtice ſhall execute an Aſſignment of ſuch Inſolvent's Eſtate, both in Law and Equity, in Poſſeſſion, Reverſion or Remainder, to ſuch Perſon or Perſons as a Majority of the Creditors of ſuch Inſolvent, in Reſpect to the Amount of their Demands appearing to him, ſhall nominate, and with the like Exceptions as are herein before mentioned; which Aſſignment ſhall be equally good, valid and effectual, to all Intents and Purpoſes whatſoever, and the Aſſignees ſhall have the like Eſtate and Power, and be ſubject to the like Duties as if the ſame had been executed by ſuch Inſolvent, and ſhall veſt in ſuch Aſſignees the whole of the Eſtate which belonged to the ſaid Inſolvent, on the Day of the firſt Publication of the Order ſo made as aforeſaid.

Such Inſolvent not to be diſcharged if he refuſes to make an Aſſignment.

IX. *And be it further Enacted by the Authority aforeſaid*, That if the ſaid Inſolvent ſhall, ſo as aforeſaid, refuſe or neglect to make an Aſſignment of his Eſtate, ſuch Inſolvent ſhall not be diſcharged from Impriſonment by Virtue of this Act, unleſs ſo many of his Creditors as ſhall have Debts owing to them, to the Amount of Three-Fourths in Value of all the Debts owing by ſuch Inſolvent, ſhall petition the ſaid Chancellor or Juſtice for his Diſcharge, or unleſs ſuch Inſolvent ſhall have delivered ſuch Inventory and Account, and taken ſuch Oath as are herein before preſcribed, and ſo many of his Creditors as aforeſaid have accepted a Dividend under ſuch Aſſignment.

X. *And*

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Inſolvent being diſcharged, if ſued, may plead the General Iſſue.

X. *And be it further Enacted by the Authority aforeſaid,* That any ſuch Inſolvent having been diſcharged in Conformity to this Act, if proſecuted for any Debt or Contract before mentioned, or if any other Perſon or Perſons be ſued for any Matter or Thing done by Virtue of this Act, it ſhall be lawful for ſuch Perſon or Perſons to plead the general Iſſue, and give the ſpecial Matter in Evidence.

Inſolvent found guilty of Perjury, or acting fraudulently, his Diſcharge to be void.

XI. *And be it further Enacted by the Authority aforeſaid,* That in Caſe any ſuch Inſolvent ſhall be guilty of Perjury, by concealing any Part of his or her Eſtate or Effects, or ſhall, after the Aſſignment of his or her Eſtate, by Virtue of this Act, receive any Debt or Debts due to him or her before ſuch Aſſignment, or if he or ſhe ſhall ſecrete any Part of his or her Eſtate, or any Books or Writings relating thereto, with an Intent to defraud his or her Creditors, or ſhall procure any Perſon or Perſons to become a petitioning Creditor or Creditors, for any Sum not *bona Fide* due from him or her to ſuch Creditor or Creditors, or for any larger Sum than is really and *bona Fide* due from ſuch Inſolvent, to ſuch Creditor or Creditors, to make ſuch Sum in Value as required by this Act as aforeſaid, then, and in every ſuch Caſe, the Diſcharge of the ſaid Inſolvent, under this Act, ſhall be void, and his or her Perſon or Perſons, and Eſtate or Effects, ſhall be ſubject to the Payment of all his or her former Debts, as well to his or her petitioning Creditors, as others, the ſaid Diſcharge to the Contrary notwithſtanding.

Any Perſon concealing Inſolvent's Eſtate, to forfeit 100*l.* and double the Value of the Eſtate concealed.

XII. *And be it further Enacted by the Authority aforeſaid,* That any Perſon or Perſons, who ſhall have accepted of any Truſt or Truſts for any Inſolvent, or ſhall wilfully conceal or protect any Eſtate, real or perſonal, of any Inſolvent, from the Aſſignee or Aſſignees of ſuch Inſolvent, and ſhall not, in *fifty* Days after Notice of ſuch Aſſignment being publiſhed in the News-Paper printed by the Printer to this State, and one other of the public News-Papers printed in this State, fully diſcover and diſcloſe ſuch Truſt and Eſtate to the ſaid Aſſignee or Aſſignees, ſhall forfeit the Sum of *One Hundred Pounds*, and double the Value of the Eſtate ſo concealed, to be recovered with Coſts, by Action of Debt, in any Court of Record having Cognizance thereof, in the Name or Names of the ſaid Aſſignee or Aſſignees, for the Uſe and Benefit of the Creditors of ſuch Inſolvent.

Any Perſon ſwearing that Money is due to him by an Inſolvent, which is not due, or that more is due than is really due, to forfeit double the Sum.

XIII. *And be it further Enacted by the Authority aforeſaid,* That if any Perſon ſhall ſwear or depoſe, before a Maſter in Chancery, Juſtice or Judge, as aforeſaid, that any Sum of Money is due, or owing to him or her from any ſuch Inſolvent, which Sum of Money is not really due or owing, or ſhall ſwear that more is due than is really due or owing, knowing the ſame to be not due or owing, and that ſuch Oath is falſe and untrue, ſuch Perſon ſhall be liable to pay double the Sum ſo ſworn to be due or owing as aforeſaid, to to be recovered by Action of Debt, in any Court having Cognizance thereof, in the Name or Names of the Aſſignee or Aſſignees of ſuch Inſolvent's Eſtate, and to be divided among all the Creditors of ſuch Inſolvent, in Proportion to their Demands againſt ſuch Inſolvent's Eſtate.

Chancellor or Judge may examine any Perſon ſuſpected of Concealment, on Oath.

XIV. *And be it further Enacted by the Authority aforeſaid,* That for the more full Diſcovery of the Eſtate of ſuch Inſolvent, the Chancellor or Juſtice of the Supreme Court, or Judge of the Court of Common Pleas, at the Requeſt of the Aſſignees, the Survivors or Survivor of them, ſhall have, at any Time after ſuch Aſſignment as aforeſaid, full Power, and they are hereby required to ſummon and examine on Oath, ſuch Inſolvent, his Wife, and every other Perſon whomſoever known or ſuſpected to detain any Part of the ſaid Inſolvent's Eſtate, or to be indebted to it; and in Caſe any Perſon on ſuch Summons ſhall refuſe to attend, having no reaſonable Excuſe, or ſhall refuſe

refuſe to be ſworn, then it ſhall and may be lawful for the ſaid Chancellor, or any of the Juſtices of the Supreme Court, or ſuch Judge of the Court of Common Pleas, to commit the Perſon ſo refuſing, to Gaol, till he or ſhe ſhall ſubmit to be examined concerning what he or ſhe may know relating to ſuch Eſtate; and if any ſuch Perſon or Perſons ſhall wilfully and knowingly affirm, or ſwear falſely, the Perſon or Perſons ſo offending, ſhall be liable to the ſame Pains and Penalties as thoſe who are convicted of wilful and corrupt Perjury.

And on Refuſal to take ſuch Oath, may commit them to Gaol. Such Perſons ſwearing falſly, to be deemed guilty of Perjury.

XV. *And be it further Enacted by the Authority aforeſaid*, That every ſuch Inſolvent, who ſhall, before the Delivery of ſuch Petition, have become Bail in any Cauſe, on Account of which he or ſhe has or have Reaſon to think Judgment may be had againſt him or her, and ſhall make Oath, that at the Time he or ſhe ſo became Bail, he or ſhe had a clear Eſtate ſufficient to anſwer any Demand that could with any Probability be made upon him or her as Bail, may add to the Account of the Creditors, and the Monies owing by him or her before directed to be given, an Account of the Manner of becoming Bail, and annex ſuch a Sum as he or ſhe imagine he or ſhe will be liable to pay on that Account; and then the Aſſignees ſhall reſerve in their Hands, for the Space of one Year and a Half, ſuch a Dividend as a Creditor for the like Sum would have a Right to receive; and after Judgment obtained againſt any ſuch Inſolvent, the Perſon or Perſons obtaining the ſame, ſhall be conſidered in every Reſpect, as another Creditor, whoſe Debt was due before the Delivery of the Petition. But if in the Space of one Year and an Half after the Petition is delivered, no Judgment ſhall be obtained againſt ſuch Inſolvent, the Monies ſo reſerved ſhall be divided among the other Creditors in the ſame Manner as the Reſt of ſuch Inſolvent's Eſtate, and ſuch Inſolvent ſhall be diſcharged from all Obligations as Bail, in the ſame Manner as if the Sum ſo annexed to the Account of his or her Creditors, was paid; and if Judgment ſhall be obtained againſt ſuch Inſolvent as Bail for any Sum, within one Year and an Half after the Petition is delivered, and after the Diviſion of the Produce of his or her Eſtate among his or her Creditors, and the ſaid Inſolvent ſhall have omitted, either Wholly or in Part, to annex the ſaid Sum to the Account delivered, the Perſon obtaining ſuch Judgment, ſhall recover againſt the ſaid Inſolvent, either for the Whole or the Part omitted, as the Caſe ſhall happen to be, ſo much as the other Creditors of the ſaid Inſolvent ought to have received for a like juſt Debt, and no more. *Provided always*, That the Sum for which Judgment is obtained, againſt ſuch Inſolvent, being added to the Account of his or her Creditors, and of the Monies owing to them before directed to be given, the Debts owing by him or her to the petitioning Creditors, ſhall ſtill appear to have been Three-fourths of all that was owing by the ſaid Inſolvent.

Any Inſolvent having become Bail in any Suit, may add the Sum he or ſhe imagines he or ſhe will be liable to pay on that Account, to the Account of his Creditors.

Aſſignees to reſerve a Dividend for the Plaintiff.

If Judgment is not obtained in *eighteen* Months, the Money ſo reſerved to be divided among the other Creditors, and the Inſolvent diſcharged.

And if ſuch Inſolvent ſhall not add ſuch Sum to the Account, and a Judgment be recovered, the Plaintiff to recover only a Dividend, in Proportion to his Demand.

Provided the Sum recovered being added to the Debts, there ſhall ſtill appear three fourths due to the petitioning Creditor.

XVI. *And be it further Enacted by the Authority aforeſaid*, That all Perſons who have given Credit to ſuch Inſolvent, on a valuable Conſideration, for any Sum of Money or other Matter or Thing, which is or ſhall not be due or payable, at or before the Time of the Delivery of the Petition, ſhall and may be admitted and conſidered as Creditors whoſe Debts are then due, and ſhall receive a Dividend of ſuch Inſolvent's Eſtate, in the ſame Proportion as the other Creditors, deducting thereout only a Rebate of Intereſt at the Rate of *ſeven per Cent.* for what ſhall be received on ſuch Debts (unleſs ſuch Debts ſhall be payable with Intereſt) to be computed from the actual Payment thereof to the Time they would have been due.

Perſons whoſe Debts are not due at the Time of the Delivery of the Petition, entitled to a Dividend, on a Rebate of Intereſt.

XVII. *And be it further Enacted by the Authority aforeſaid*, That ſuch Aſſignee or Aſſignees, ſhall have Power and Authority to diſpoſe of all the real and perſonal Eſtate of ſuch Debtor or Debtors, which ſhall be aſſigned to him or them, or which ought, by Virtue of this Act, to be aſſigned to him

Aſſignees impowered to diſpoſe of Inſolvent's eſtates, to execute Deeds for the ſame; to redeem Mortgages;

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to recover in their own Names; to refer to Arbitration, and compound with Debtors;

or them, and to convert the ſame into Money; to execute good and ſufficient Deeds for ſuch real and perſonal Eſtate; to redeem all Mortgages and conditional Contracts, and ſatisfy all Judgments, and to recover, in his or their Name or Names, all ſuch real and perſonal Eſtate of ſuch Inſolvent, and all Deeds, and Books of Accounts, and Papers reſpecting the ſame; and ſhall have full Power and Authority to refer to Arbitration, ſettle or compound, or agree with any Perſon indebted to the Inſolvent, in ſuch Manner as ſhall, from Time to Time, appear to ſuch Aſſignee or Aſſignees moſt advantageous to the Creditors of ſuch Inſolvent; and ſhall, within the Space of one Year, proceed to make a Diviſion of all the Money which ſhall have come to his or their Hands, of ſuch Eſtate, firſt giving *three* Months Notice of the Time and Place of making ſuch Diviſion, by advertiſing the ſame in the News-Paper printed by the Printer to this State, and in one other of the public News-Papers printed in this State; and if the Whole be not then ſettled, ſhall, within the Space of one Year thereafter, make a ſecond Diviſion of ſuch Monies as may come to his or their Hands after the firſt Diviſion, and ſo, from Year to Year, until a final Settlement thereof, and a juſt and equal Diviſion of the Whole be made; and if on ſettling the Eſtate of the Inſolvent, a Surplus ſhould remain in their Poſſeſſion, after diſcharging the Debt or Debts of the ſaid Inſolvent, the ſame ſhall be paid to the ſaid Inſolvent, his or her legal Repreſentative or Repreſentatives.

To make Dividends yearly of the Inſolvent's Property until the Whole be divided;

And to pay the Surplus, if any there be, to the Inſolvent.

XVIII. *And be it further Enacted by the Authority aforeſaid*, That the Aſſignees, or the Survivors or Survivor of them, ſhall, at leaſt, one Month before a Diviſion be made, appoint a Day, by advertiſing the ſame in one or more of the public News-Papers, for a general Meeting of all ſuch Creditors as ſhall chooſe to attend, to examine and aſcertain the Debts due to each Creditor, and in Caſe of any Controverſy relating to ſuch Debts, it ſhall be determined in the following Manner; *That is to ſay*, The Aſſignees ſhall nominate two Referees, not being Creditors of the Inſolvent, and the Creditor whoſe Debt is in Controverſy, ſhall nominate two others, and their Names ſhall be ſeparately written on four Pieces of Paper, as nearly of the ſame Size as poſſible, which ſhall be rolled up in the ſame Manner, and put into a Box, and from thence one of the Aſſignees ſhall draw out three of the ſaid Pieces of Paper, and the Perſons whoſe Names are ſo drawn, ſhall finally ſettle ſuch Controverſy; and if any Referee, ſo appointed, ſhall refuſe or be incapable of acting in a reaſonable Time, a new Choice ſhall be made in the ſame Manner; and in Caſe any ſuch Creditor ſhall refuſe to nominate Referees on his Part, the Aſſignees are hereby empowered to nominate them for him.

Aſſignees at leaſt *one* Month before a Diviſion, to notify a Meeting of the Creditors; to aſcertain each Perſon's Debt, and if any Controverſy ariſes, how the ſame ſhall be ſettled.

XIX. *And be it further Enacted by the Authority aforeſaid*, That the Aſſignee or Aſſignees ſhall, before he or they enter upon the Execution of the Truſt committed to him or them, by Virtue of this Act, take an Oath, to be adminiſtred by a Maſter in Chancery, a Juſtice of the Supreme Court, or any of the Judges of the Court of Common Pleas aforeſaid, *well and faithfully to manage the Inſolvent's Eſtate, and keep and render a true Account of all that ſhall come to his or their Hands of the ſame;* and for that Purpoſe, he or they ſhall keep regular Books of Accounts, to which every Creditor at all reaſonable Times may have Recourſe, and for the Care and Trouble incumbent on the Aſſignee or Aſſignees, he or they ſhall be allowed out of the Inſolvent's Eſtate, ſuch a Conſideration as the Petitioners, or a major Part of them, ſhall agree and fix upon; and that all Coſts of Suit, Priſon and Gaol Fees, and Charges of Proceedings under this Act, to obtain the Diſcharge of the Inſolvent, ſhall be firſt paid, and then deducting all ſuch Coſts, Charges and Expences, as ſhall be neceſſarily laid out and expended by the Aſſignee or Aſſignees, together with his or their Commiſſions for his or their Care

Aſſignees before they enter on the Buſineſs, to take an Oath for the faithful Performance of their Truſt.

Aſſignees Allowance.

Coſts of Suit, Priſon Fees and Charges, and Expences to be firſt paid.

Care and Trouble therein, the Residue shall be divided equally among the Creditors; in which Division, no Preference shall be given to Debts due by Specialty.

XX. *And be it further Enacted by the Authority aforesaid*, That no Suit in Equity shall be commenced by any Assignee, without the Consent of the Majority of the Petitioners or Creditors, who consented to the Assignment, with Respect to the Amount of their Debts as aforesaid, at a Meeting held for that Purpose; and if any Creditor shall neglect or refuse to give Notice of, and prove his or her Debt, within one Year and an Half after the Assignment, and a Division of the whole Estate be made, such Creditor shall not be entitled to a Dividend, and the whole Money shall be divided by the Assignees among the other Creditors: But in Case the whole of such Insolvent's Estate shall not be divided and settled by the Time hereby appointed for the first Division, and such Creditor shall prove his Debt, before the Time appointed for the second Division, then such Creditor shall, before a second Division be made among the other Creditors, have his said Dividend, or so much Money as he would have been entitled to on the first Division, had his Debt then been proved; but no Creditor shall be admitted to prove his Debt, in order to entitle himself to a Share in the Insolvent's Estate, after a second Division, but shall by this Act be debarred from any Share thereof.

No Suit in Equity to be commenced without the Consent of Creditors.

Any Creditor not proving his Debt before a Dividend is made, not entitled to a Dividend.

But if he proves it before a second Dividend, he may receive his Share.

XXI. *And be it further Enacted by the Authority aforesaid*, That every Insolvent who shall be discharged by Virtue of this Act, and in all Things conform to the Directions thereof, shall be allowed the Sum of *Five Pounds per Centum*, on the net Produce of all his or her Estate that shall be recovered or received by the said Assignee or Assignees, to be paid to him or her by such Assignee or Assignees, in Case the net Produce of the said Estate, after such Allowance made, shall be sufficient to pay the Creditors of such Insolvent, who shall prove their Debts in the Manner directed by this Act, the Sum of *Fourteen Shillings* in the Pound, and so as the said *Five Pounds per Centum* shall not amount in the Whole to above the Sum of *Two Hundred Pounds*.

Insolvents discharged by this Act, to have 5 *per Cent.* out of their Estates, if sufficient to pay Creditors 14*s.* in the Pound.

XXII. *And be it further Enacted by the Authority aforesaid*, That nothing in this Act contained, shall be construed to deprive Landlords of the Right of distraining for, or securing their Rents, which by Law they had before the making of this Act.

This Act not to deprive Landlords of the Right of distraining for Rent.

CHAP. XCIII.

An ACT *for the Payment of the Salaries of the Officers of Government, and other Contingent Charges.*

Obsolete.

Passed 21st March, 1788.

CHAP. XCIV.

An ACT *for the Relief of the Creditors of* William Van Derlocht, *and for other Purposes therein mentioned.*

Private.

Passed 22d March, 1788.

CHAP.

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CHAP. XCV.

An ACT *directing the Settlement of Public Accounts, and for other Purpoſes therein mentioned.*

Paſſed 22d March, 1788.

Auditor appointed ſole Commiſſioner for ſettling the Accounts between this State and the United States.

I. BE *it Enacted by the People of the State of* New-York, *repreſented in Senate and Aſſembly, and it is hereby Enacted by the Authority of the ſame,* That the Auditor of this State for the Time being, ſhall be, and hereby is appointed ſole Commiſſioner, for and in Behalf of this State, to ſettle all Accounts between this State and the United States; and for that Purpoſe that he ſhall be authoriſed to ſettle and agree with any and every Commiſſioner, Agent or other Perſon appointed or authoriſed, or hereafter to be appointed or authoriſed for the Purpoſe, by or in Behalf of the United States, touching the ſaid Accounts, in ſuch Manner, and on ſuch Terms, as the ſaid Auditor ſhall deem moſt eligible; and alſo on Behalf of this State, to appear before any Commiſſioner or other Perſons appointed or authoriſed, or hereafter to be appointed or authoriſed to hear, enquire into, or determine, touching the Claims or Demands, which this State may have or make againſt the United States, and before ſuch Commiſſioners or other Perſons to manage and proſecute ſuch Claims or Demands, on the Part of this State; and that it ſhall be lawful for the Treaſurer to deliver over to the Auditor ſuch Vouchers and Papers in the Treaſury, as the Treaſurer ſhall deem the Auditor ought to be poſſeſſed of, in order to exhibiting or managing any of the Claims or Demands of this State againſt the United States; and it is hereby declared to be the Duty of the Treaſurer from Time to Time, on the Application of the Auditor, to adviſe the Auditor touching the ſaid Accounts, and the Mode and Terms of the Settlement of the ſaid Accounts, as the Intereſt of the State ſhall, in his Judgment require: That *William Denning* ſhall be and hereby is appointed to collect Vouchers, and Proofs, and otherwiſe to aſſiſt the Auditor in preparing, ſtating and ſettling the ſaid Accounts, as the Auditor ſhall from Time to Time require, and in the Abſence of the ſaid Auditor, at any Time, the ſaid *William Denning* ſhall in ſuch Caſes be authoriſed to appear in Behalf of this State, before ſuch Commiſſioners, or other Perſons authoriſed to hear, enquire into, and determine, and before ſuch Commiſſioners or other Perſons, to manage and proſecute the Claims and Demands of this State: And he the ſaid *William Denning*, ſhall be allowed for his Services in the ſaid Buſineſs, at the Rate of *Three Hundred and Fifty Pounds* per Annum, from the Time he ſhall enter on the ſaid Buſineſs.

And the Treaſurer to deliver to him all Papers neceſſary for the Purpoſe, and to give him his Advice when thereunto required.

William Denning appointed to collect Vouchers, and aſſiſt the Auditor in ſettling ſaid Accounts.

Office of Auditor to liquidate and ſettle the Accounts of the Troops of this State, to ceaſe after 1ſt *June* 1788, and the Papers and Certificates to be delivered to the Treaſurer.

II. *And be it further Enacted by the Authority aforeſaid,* That the Office of Auditor to liquidate and ſettle the Accounts of the Troops of this State, in the Service of the United States, ſhall ceaſe from and after the firſt Day of *June* next. *And further,* That the ſaid Auditors ſhall on or before the ſaid firſt Day of *June* next, deliver to the Treaſurer of this State, all the Certificates for Pay, or Depreciation of Pay, ſigned by the ſaid Auditors, purſuant to any Act of the Legiſlature of this State, and yet remaining in their Hands, together with all the Books, Checks, Blanks and Papers belonging to their ſaid Office. And the Treaſurer is hereby authoriſed upon Demand, to deliver all ſuch Certificates ſo ſigned, to the reſpective Perſons entitled to the ſame.

And the Treaſurer to deliver ſuch Certificates to the Perſons entitled to receive them.

[*It was conceived unneceſſary to print any more of this Act than the following Clauſes, the reſt being either expired, repealed, obſolete or private.*]

Seventh Section of an Act relative to paying Monies into the Treaſury. ‡ 10*b Seſſ. Ch.* 102.

VIII. *And be it further Enacted by the Authority aforeſaid,* That the ſeventh Section of the Act, entitled, ‡ *An* Act *for the Relief of Perſons who paid Money into the Treaſury of this State, in Conſequence of a Reſolution of the Committee of Safety, of the firſt Day of* March, *One Thouſand Seven Hundred and Seventy-ſeven,*

ſeven, and for other Purpoſes therein mentioned, ſhall be, and hereby is repealed, from and after the firſt Day of *May* next.

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In all Actions to be commenced by the Treaſurer, it ſhall be ſufficient to declare generally, that the Perſon is indebted to him in ſuch an Amount

XIV. *And be it further Enacted by the Authority aforeſaid*, That in all Caſes where the Treaſurer of this State is authoriſed, empowered or required to ſue or proſecute for any Debts, Penalties or Forfeitures, by any Law of this State, it ſhall be ſufficient for the Treaſurer of this State for the Time being, in any Action or Suit brought, or to be brought, for any ſuch Debts, Penalties or Forfeitures, to declare generally, that the Defendant is indebted to the Treaſurer of the State of *New-York*, in the Amount of ſuch Debt, Penalty, or Forfeiture, by Virtue of the Act, entitled, *An* Act (here inſert the Title of the Act in Conſequence of which the Suit is brought) to be paid to the Treaſurer of the State of *New-York* for the Time being, for the Uſe of the People thereof, when required, and to give the ſpecial Matter in Evidence. And no ſuch Action or Suit ſhall be abated or diſcontinued by the Death, Reſignation or Removal from Office of the Treaſurer, but ſhall and may be continued and proſecuted to Effect, by his Succeſſor in Office.

And no Suit to be abated by his Death.

Treaſurer authoriſed when he has more Indents than neceſſary, to pay all Arrears, upon the Requiſitions of Congreſs, to exchange the Overplus for State Certificates.

XV. *And be it further Enacted by the Authority aforeſaid*, That if at any Time, the Treaſurer of this State ſhall have more Indents iſſued for Intereſt due on any Certificates given by Order of the United States, in his Poſſeſſion, than are or will be ſufficient to pay all the Arrears due upon Requiſitions of the United States in Congreſs aſſembled, payable in ſuch Indents, then it ſhall be lawful for the ſaid Treaſurer, by and with the Advice and Direction of the Committee appointed by Law to aſſiſt the Auditor of this State, to exchange the ſaid Indents with any Perſon or Perſons, for any of the Principal or Intereſt Certificates of this State, or otherwiſe diſpoſe thereof, as they may think moſt for the Intereſt of the State; and if there ſhould be at any Time in the Treaſury, a greater Quantity of the Principal Certificates of the United States than will be ſufficient to draw Intereſt equal to the Amount of the annual Requiſitions of Congreſs, then it ſhall be lawful for the ſaid Treaſurer, by and with the Advice and Direction of the ſaid Committee, to exchange ſuch Overplus with any Perſon or Perſons, for any of the Principal or Intereſt Certificates of this State, ſigned by the Treaſurer, or otherwiſe to diſpoſe thereof, as they may think moſt for the Intereſt of the State.

And when he has more principal Certificates, than are ſufficient to draw Intereſt equal to the annual Requiſitions, he may exchange or diſpoſe of the Surplus.

A certain Part of *Montgomery* County erected into a Town by the Name of *Chemung*, with the ſame Privileges as other Towns.

XXIX. *And be it further Enacted by the Authority aforeſaid*, That all that Part of the County of *Montgomery*, beginning at the Interſection of the Partition Line between this State and the Commonwealth of *Maſſachuſetts*, and the *Pennſylvania* Line, and running from the ſaid Point of Interſection due North, along the ſaid Partition Line, to the Diſtance of two Miles North of the *Tioga-River*; thence with a ſtraight Line to the *Owego-River*, to interſect the ſaid River at the Diſtance of four Miles on a ſtraight Line, from the Confluence thereof with the *Suſquehannah*; thence down the *Owego* and *Suſquehannah*, to the *Pennſylvania* Line, and thence along the ſame to the Place of beginning, ſhall be, and hereby is erected into a Town, by the Name of *Chemung*. *And further*, That the Freeholders and Inhabitants of the ſaid Town, ſhall be, and hereby are empowered to hold Town-Meetings, and elect ſuch Town-Officers as the Freeholders and Inhabitants of any Diſtrict or Town in the ſaid County of *Montgomery*, may do by Law: And that the Freeholders and Inhabitants of the ſaid Town, and the Town-Officers by them to be elected, ſhall have the like Powers and Privileges as the Freeholders, Inhabitants and Town-Officers of any other Town in the ſaid County are or ſhall be entitled to; and that the firſt Town-Meeting ſhall be held at ſuch Time and Place as *James Clinton*, *John Cantine* and *John Hathorn*, or any two of them ſhall, by Writing under their Hands, direct and appoint.

Firſt Town-Meeting when and where to be held.

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XXX. AND *whereas* it is repreſented to the Legiſlature, that divers Perſons have been guilty of raiſing Wiers and other Obſtructions in the *Suſquehannah* River within this State, whereby the Navigation thereof has been rendered dangerous, and the free Courſe of the Fiſh up the ſame River impeded and diverted: For Remedy whereof, *Be it further Enacted by the Authority aforeſaid*, That if any Perſon or Perſons ſhall raiſe, erect or build, or cauſe to be raiſed, erected or built, any ſuch Wier or other Obſtruction whatſoever in the ſame River, in any Part of this State, he or they ſhall reſpectively forfeit the Sum of *Five Pounds* for each Offence, to be recovered with Coſts of Suit, before any Court having Cognizance thereof, by any Perſon or Perſons who will ſue for the ſame.

Any Perſon raiſing any Obſtructions in the *Suſquehannah* River, to forfeit 5*l.*

XXXI. *And be it further Enacted by the Authority aforeſaid*, That the Exemption to ſuch Perſons as have formerly ſerved as Officers in the Army or Militia, by the Act, entitled, ‡ *An* Act *to regulate the Militia*, or the Amendment to the ſaid Act, ſhall not be underſtood to extend to any ſuch Perſons then being Officers, who have gone over to and joined the Enemy in the late War.

Exemptions from Militia Duty, not to extend to Perſons who joined the Enemy in the late War.

‡ *9th Seſſ. Ch.* 25.

XXXVIII. AND *whereas* that Part of the County of *Albany*, heretofore the Townſhips of *Schoharie* and *Duanesburgh*, is now united into one Town, which from its Extent is inconvenient to the Inhabitants: Therefore, *Be it further Enacted by the Authority aforeſaid*, That from and after the firſt Day of *April*, in the Year of our Lord One Thouſand Seven Hundred and Eighty-nine, the ſaid Townſhip of *Duanesburgh*, bounded on the North by the County of *Montgomery*, on the Weſt by *Schoharie* River, and the *Schoharie* Patent, on the South by the North Bounds of Lands granted to *Johannis Lawyer* and others, and the South Bounds of Lands granted to Captain *Jonathan Brewer*, and the Manor of *Renſſelaerwyck*, and on the Eaſt by the Weſt Bounds of Lands belonging to the *Dutch* Church of *Schenectady*, and the Weſt Bounds of the Sttlement called *Corry's Brook*, ſhall continue and be a Town, by the Name of *Duanesburgh*, with all the Rights, Privileges and Immunities which are granted to other Towns within this State, by an Act of the Legiſlature paſſed in this preſent Seſſion, entitled, *An* Act *for dividing the Counties of this State into Towns*; and that the firſt Town-Meeting of the Inhabitants of the ſaid Town, ſhall be held at the Dwelling-Houſe now occupied by *Nicholas Reghter*, in the ſaid Town, on the firſt Tueſday in *April*, in the Year aforeſaid.

A certain Part of the County of *Albany* erected into a Town, by the Name of *Duaneſburgh*.

LAWS of the State of NEW-YORK,

A. D. 1789. Inde. *U. S.* XIII.

Paſſed in the Twelfth Seſſion of the Legiſlature, held at the City of Albany.

CHAP. I.

An ACT *for the more ſpeedy Recovery of Legacies.*

Paſſed 5th January, 1789.

I. BE *it Enacted by the People of the State of* New-York, *repreſented in Senate and Aſſembly, and it is hereby Enacted by the Authority of the ſame*, That it ſhall and may be lawful for any Perſon, and his or her Executors or Adminiſtrators, to whom any Legacy or Bequeſt of any Sum or Sums of Money, or other perſonal Goods or Chattels, or any reſiduary Part of any perſonal Eſtate hath been or may be given by the Teſtament or laſt Will of any Perſon,

Perſons entitled to Legacies, may ſue for them in any Court of Record.

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Perſon, to commence, ſue and proſecute an Action of Debt, Detinue or Account, as the Caſe may happen, for ſuch Legacy after it becomes due, in the Supreme Court, or any other Court of Record in this State; and if it ſhall appear or be found, that the Legacy for which ſuch Suit ſhall be brought, is due, and there be ſufficient Aſſets in the Hands of the Executors to diſcharge the Debts of the Teſtator, and the Legacy or Legacies bequeathed, the Plaintiff ſhall recover ſuch Legacy; but in Caſe there ſhall be Aſſets to diſcharge all the Debts of the Teſtator, with an Overplus not amounting to a Sum ſufficient to pay all the Legacies that may be given, then an Abatement ſhall be made in Proportion to the Legacies ſo given, and the Plaintiff ſhall recover only a proportional Part of his or her Legacy; and where any Legatee is or ſhall be under the age of Twenty-one Years at the Time ſuch Legacy ſhall become due, in ſuch Caſe every ſuch Legatee ſhall and may maintain an Action for his or her Legacy ſo given, by Guardian or next Friend, as fully and amply as by Law he or ſhe may do in any other Action whatſoever.

Where whole Legacies are recovered, and where only a proportional Part thereof.

How Minors are to ſue.

II. *And be it further Enacted by the Authority aforeſaid*, That the reſpective Courts in which any ſuch Action ſhall be commenced, or proſecuted, upon the Plea of want of Aſſets to pay all the Debts and all the Legacies, or when ſuch Suit is brought for a reſiduary Part or Proportion of any perſonal Eſtate or Goods, may appoint Auditors to examine the Accounts of the Executors, which Auditors, after full Hearing and Examination thereof, at ſuch Time and Place, or Times and Places as by them ſhall be appointed, with notice to the Executors and Plaintiff, or their reſpective Attornies, ſhall report how the Accounts of the Executors do ſtand, and how much Aſſets will remain in their Hands after Payment of the Whole of the Debts, and what Part of ſuch Remainder ought to go towards paying the Demand of the Plaintiff, if it is not ſufficient to pay the Whole, and the Court ſhall thereupon give Judgment and award Execution for ſuch Sum as the Plaintiff ought to recover: But if the Plaintiff ſhall diſcontinue his Suit or become non-ſuited, or Judgment be given againſt him, or if nothing be found due to him, then the Defendants ſhall have Judgment to recover their Coſts of Suit againſt ſuch Plaintiff: And in Caſe the Plaintiff ſhall recover only a Part of his Demand for Want of Aſſets to diſcharge the Whole, then, when further Aſſets come to the Defendant's Hands, the Plaintiff may have a Reſummons againſt the Defendants, and recover the Reſidue of the Monies due to him, or his Proportion of ſuch Aſſets; and the Court is hereby empowered upon the Exception of either Party, and hearing the Parties, to correct and amend any Miſtakes or Errors in ſuch Report, or the Accounts ſo reported.

Auditors to examine Accounts of Executors, and report thereon.

Court ſhall give Judgment for the Sum Plaintiff ought to recover.

If Plaintiff becomes non-ſuited, or Judgment be given againſt him, the Defendant to recover Coſts.

When Plaintiffs may have a Reſummons againſt the Defendants.

Court may correct Miſtakes or Errors in the Report or Accounts.

III. *And be it further Enacted by the Authority aforeſaid*, That the Court in which any ſuch Action may be brought or proſecuted, ſhall, upon Conſideration of the Report of the Auditors, and the Accounts of the Executors, and the Nature of the Action, and the Proceedings therein, award the Coſts of the Suit or of either Party to be paid out of the Teſtator's Eſtate, or by either of the Parties, according to Juſtice and Equity, and in Caſe the Executors have been faulty in delaying to pay the Legacy demanded, or a proportional Part thereof, without ſufficient Excuſe, then the Court may award Coſts againſt the Executors, to be paid out of their own Eſtate, any Thing herein contained to the contrary notwithſtanding.

Court may award Coſts to be paid out of the Eſtate, or by either Party.

IV. *Provided always, and be it further Enacted by the Authority aforeſaid*, That no ſuch Suit ſhall be maintained for any ſuch Legacy or Bequeſt, until reaſonable Demand be made of the Executor or Executors, who ought to pay the ſame, and an Offer of two ſufficient Sureties to the ſaid Executor or Executors, who, if they ſhall think proper to accept thereof, ſhall become bound

No Suits to be maintained for Legacies, until reaſonable Demand be made, and Security given.

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bound to them the ſaid Executors, in double the Sum of the ſaid Legacy, with Condition, That if any Part, or the whole thereof, ſhall at any Time after appear to be wanting to diſcharge any Debt or Debts, Legacy or Legacies, which the ſaid Executors may not have other Aſſets to pay, then, and in ſuch Caſe the ſaid Legatee will return the ſaid Legacy, or ſuch Part thereof as may be neceſſary for the Payment of the ſaid Debts, or for the Payment of a proportional Part of the ſaid Legacies; and if the ſaid Executors ſhall not think proper to accept thereof, then the ſaid Legatee ſhall file ſuch Bond, the ſame and the Securities being firſt approved of by the Court, in the Office of the Clerk thereof, before obtaining any Proceſs againſt the ſaid Executors, otherwiſe the ſame Proceſs ſhall abate; but where there are ſeveral Legatees, and a Return of Part of the ſaid Legacy ſhall afterwards appear neceſſary, each Legatee ſhall only be compelled to return a proportional Part of his Legacy, ſo as to make up the whole Sum wanting.

Executors refuſing to accept the Security, Bond to be filed in the Clerk's Office.

Where Executors ſhall have *a Year* to pay Legacies.

V. *And be it further Enacted by the Authority aforeſaid*, That where no Time, in and by any Teſtament or laſt Will, is or ſhall be limited for the Payment of any Legacy or Lagacies thereby given or bequeathed, then, and in every ſuch Caſe, the Executors ſhall have the Space of *one Year* to diſcharge the ſame; any Law, Uſage or Cuſtom to the contrary notwithſtanding.

This Act to extend to Adminiſtrators, with a Will annexed.

VI. *And be it further Enacted by the Authority aforeſaid*, That this Act ſhall be conſtrued and taken to extend to all Perſons to whom Letters of Adminiſtration have been, or ſhall be granted *with a Will annexed*, as fully, to all Intents, Conſtructions and Purpoſes whatſoever, as if they were the Executors named in ſuch Will.

Perſons entitled to Shares of perſonal Eſtates of Inteſtates, to have the like Remedy againſt Adminiſtrators.

VII. *And be it further Enacted by the Authority aforeſaid*, That all Perſons who have, or hereafter may have a Right to any Share or Shares in the perſonal Eſtate of any Inteſtate, ſhall have the like Remedy againſt the Adminiſtrators, for the Recovery of the ſaid Share or Shares, as by this Act is given to Legatees againſt Executors, and be under the ſame Rules and Regulations; any Law, Uſage or Cuſtom, to the contrary notwithſtanding.

Acts of Adminiſtrators, before Notice of a Will, ſhall ſtand good.

VIII. *And be it further Enacted by the Authority aforeſaid*, That all lawful Acts done, or to be done by any Adminiſtrator, before Notice of a Will; and all Sales of Goods and Chattels made by an Adminiſtrator, *bona Fide*, before ſuch Notice, ſhall ſtand and remain good, and ſhall not be impeached or altered by any Executor or Executors, on any Will appearing afterwards. *Provided always*, That ſuch Executor or Executors, ſhall have the ſame Remedy againſt the Adminiſtrators, for the Goods, Chattels and Credits remaining unadminiſtered, as he, ſhe or they might have had before the making of this Act.

Executors to have Remedy againſt Adminiſtrators for Goods unadminiſtered.

Guardians or next Friends of Infants, to give Bond.

IX. *And be it further Enacted by the Authority aforeſaid*, That no Action ſhall be proſecuted in Conſequence of this Act, by any Infant, by his or her Guardian or next Friend, until ſuch Guardian or next Friend ſhall have executed and filed, in the Office of the Clerk of the Court in which ſuch Action ſhall be depending, a Bond to the ſaid Infant, in ſuch Sum and with ſuch Surety, as the ſaid Court ſhall approve, conditioned, that ſuch Guardian or next Friend ſhall duly account to the ſaid Infant, when he or ſhe comes of Age; or in Caſe of his or her Death, to his or her Executors or Adminiſtrators, for all ſuch Money as ſhall be received on Account of ſuch Legacy.

CHAP.

CHAP. II.

A. D. 1789.
Inde. *U. S.* XIII.

An ACT *concerning ſtray Cattle and Sheep.*

Paſſed 5th January, 1789.

I. BE *it Enacted by the People of the State of* New-York, *repreſented in Senate and Aſſembly, and it is hereby Enacted by the Authority of the ſame,* That every Perſon who at any Time hereafter, between the firſt Day of *November* and the firſt Day of *April*, in any Year, ſhall have any ſtrayed neat Cattle or Sheep, upon his or her incloſed Land, ſhall within twenty Days after the coming of ſuch ſtrayed neat Cattle or Sheep into his or her incloſed Land, deliver unto the Clerk of the City or Town where ſuch neat Cattle or Sheep ſhall happen to be, a Note in writing, containing their ſeveral Ages, Colours and Marks, natural and artificial, as near as may be, together with his or her Name and Place of Abode; and ſuch Clerk ſhall on Receipt of every ſuch Note, make a full Entry thereof at large in a Book to be provided by him for that Purpoſe; and ſuch Clerk ſhall have for making ſuch Entry the Sum of *Six-pence* per Head for all the neat Cattle, and the Sum of *Two-pence* for each Sheep ſo entered as aforeſaid, to be paid to him by the Perſon delivering ſuch Note; and the Perſon delivering ſuch Note, ſhall have for doing the ſame, *Nine-pence* per Head for all neat Cattle, and *Two-pence* for every Sheep deſcribed in ſuch Note, and may detain ſuch Cattle or Sheep until the Owner thereof ſhall appear and pay the ſame, together with the Sum paid or due to the Clerk for the ſaid Entry, and all reaſonable Charges for keeping the ſame Cattle or Sheep.

Perſons having ſtrayed Cattle or Sheep to give Notice thereof to the Town Clerk.

And pay him for making an Entry thereof.

And may detain them until he is paid for the ſame, and for keeping them.

II. *And be it further Enacted by the Authority aforeſaid,* That if no Owner ſhall appear to claim the ſaid Cattle or Sheep, on or before the firſt Day of *May* next after ſuch Entry ſo made, or if the Owner ſhall refuſe or neglect to pay for giving ſuch Notice, and making ſuch Entry, and keeping ſuch Cattle or Sheep, then the Poſſeſſor, or Perſon who ſhall have kept them and given ſuch Notice as aforeſaid, is hereby authoriſed to ſell them at Vendue to the higheſt Bidder, firſt giving at leaſt twenty Days Notice of the Time and Place of ſuch Sale, by Advertiſements to be put up at three of the moſt public Places in the City or Town where the ſaid neat Cattle or Sheep have been kept; and out of the Monies ariſing by ſuch Sale, to retain in his or her Hands, for his or her own Uſe, the Sums due as aforeſaid for ſuch Notice, Entry and Keeping of the ſame Cattle or Sheep; and ſhall, upon Demand, pay the Reſidue, after deducting the Charges of ſuch Sale, to the Owner of the ſame Cattle or Sheep: But if the Owner of ſuch Cattle or Sheep ſhall not appear and demand the ſame Money within one Year next after ſuch Sale, he or ſhe ſhall be, and hereby is forever precluded and barred from recovering any Part of the Money ariſing by ſuch Sale; and the ſame Money, after ſuch Deductions as aforeſaid, ſhall in ſuch Caſe be paid to the Overſeers of the Poor of ſuch City or Town, for the Uſe of the Poor thereof; and the Receipt of the ſaid Overſeers ſhall be a legal Diſcharge to the Poſſeſſor, or Perſon who ſhall have kept ſuch Cattle or Sheep; and if ſuch Poſſeſſor ſhall not, within thirty Days after the Expiration of the ſaid Year, pay the remaining Money ariſing by ſuch Sale, after the Deductions aforeſaid, to the Overſeers of the Poor of the Place where ſuch neat Cattle or Sheep were taken up and ſold as aforeſaid, he or ſhe ſhall forfeit double the Sum ſo remaining in his or her Hands, for the Uſe of the Poor of the ſame Place; to be recovered over and above, and together with the ſaid remaining Money, with Coſts of Suit, by the Overſeers of the Poor of the ſame Place for the Time being, by Action of Debt, Bill, Plaint or Information, in any Court having Cognizance thereof.

When and how ſtray Cattle and Sheep are to be ſold, if no Owner appears, or if he refuſes to pay Expences.

Overplus to be paid to the Owner.

But if it is not demanded in one Year, it is to be paid to the Overſeers of the Poor.

Penalty on not paying ſuch Overplus to the Overſeers of the Poor.

How to be recovered.

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Poſſeſſors of ſtray Cattle or Sheep, not giving Notice, loſe their Demand, and forfeit 20*s*.

III. *And be it further Enacted by the Authority aforeſaid*, That every Perſon who ſhall at any Time hereafter, between the firſt Day of *November* and the firſt Day of *April*, in any Year, knowingly have any ſuch neat Cattle or Sheep as aforeſaid, on his or her incloſed Land, or in his or her Poſſeſſion, and do not acquaint the Owner or Owners therewith, or give the Notice preſcribed by this Act, within twenty Days thereafter, ſhall not only loſe any Demand he or ſhe might otherwiſe have for keeping and feeding the ſame neat Cattle or Sheep, but ſhall alſo forfeit to the Owner thereof, the Sum of *Twenty Shillings* for every Neglect; to be recovered before any Juſtice of the Peace in the County where ſuch Neglect ſhall happen, with full Coſts of Suit.

How to be recovered.

The Clerk's Book for ſtray Cattle, to be free for Inſpection.

IV. *And be it further Enacted by the Authority aforeſaid*, That the Books to be provided and kept by the reſpective Clerks of each City and Town as aforeſaid, ſhall always by them be kept free and open for any Perſon to ſearch therein, and for which Search no Fee ſhall be taken by ſuch Clerk, on Penalty of forfeiting *Five Shillings* for every Offence, to be recovered by the Party aggrieved, with Coſts of Suit, before any Juſtice of the Peace in the County where the Offence ſhall be committed.

CHAP. III.

An ACT *to prevent the odious Practice of digging up and removing, for the Purpoſe of Diſſection, dead Bodies interred in Cemeteries or Burial Places.*

Paſſed 6th January, 1789.

Preamble.

WHEREAS the digging up dead Bodies, interred in Cemeteries and Burial Places within this State, and removing them for the Purpoſe of Diſſection, has occaſioned great Diſcontent to many of the Inhabitants of this State, and in ſome Inſtances diſturbed the public Peace and Tranquility: To prevent ſuch odious Practices in future,

Perſons digging up to diſſect, or diſſecting any dead human Body, or aiding therein, how to be puniſhed.

I. *Be it Enacted by the People of the State of* New-York, *repreſented in Senate and Aſſembly, and it is hereby Enacted by the Authority of the ſame*, That any Perſon, who ſhall at any Time hereafter, for the Purpoſe of Diſſection, or with Intent to diſſect, dig up, remove or carry away, or be aiding or aſſiſting in digging up, removing or carrying away any dead Human Body, which ſhall have been interred in any Cemetry or Burial Place within this State, or ſhall diſſect, or aid, abet or aſſiſt in diſſecting ſuch Human Body, and ſhall be convicted of any of the ſaid Offences in the Supreme Court, or in any Court of Oyer and Terminer, Gaol Delivery, or Court of General Seſſions of the Peace, ſhall be adjudged to ſtand in the Pillory, or to ſuffer other corporal Puniſhment, not extending to Life or Limb, and ſhall alſo pay ſuch Fine, and ſuffer ſuch Impriſonment as the Court before whom ſuch Conviction was had, ſhall in their Diſcretion think proper to direct.

The Bodies of certain Criminals, after Execution, to be delivered to Surgeons for Diſſection.

II. AND in order that Science may not in this Reſpect be injured by preventing the Diſſection of proper Subjects, *Be it further Enacted by the Authority aforeſaid*, That the Juſtices of the Supreme Court, or of any Court of Oyer and Terminer, or Gaol Delivery, in this State, from Time to Time, when any Offender ſhall be convicted before them, or either of them, of *Murder*, *Arſon*, or *Burglary*, for which he or ſhe ſhall be ſentenced to ſuffer Death, may, at their Diſcretion, add to the Judgment, that the Body of ſuch Offender ſhall be delivered to a Surgeon for Diſſection; and the Sheriff who is to cauſe ſuch Sentence to be executed, ſhall accordingly deliver the Body of ſuch Offender, after Execution done, to ſuch Surgeon as ſuch Court ſhall direct, for the Purpoſe aforeſaid. *Provided always*, That ſuch Surgeon, or ſome other Perſon by him appointed for the Purpoſe, ſhall attend to receive and take away the dead Body, at the Time of the Execution of ſuch Offender.

CHAP.

CHAP. IV.

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Inde. U. S. XIII.

An ACT *to authorize the Justices of the Supreme Court to appoint the Place of holding the Circuit Courts within the Cities and Counties of* New-York *and* Albany. Passed 16th January, 1789.

Preamble. 19th Sess. Ch. 41.

WHEREAS by an Act, entitled, ‡ *An* Act *for regulating Trials of Issues, and returning able and sufficient Jurors*, passed the 19th *April*, 1786, it is made necessary for the Circuit Courts to be held at the Court-House, if any there be, of the respective Counties within this State; which Provision hath been found inconvenient, so far as the same Respects the Cities and Counties of *New-York* and *Albany*: Therefore,

Circuit Courts in *New-York* and *Albany*, where to be held.

Be it Enacted by the People of the State of New-York, *represented in Senate and Assembly, and it is hereby Enacted by the Authority of the same*, That the Circuit Courts which shall hereafter be appointed in Pursuance of the Act aforesaid, to be held in the City and County of *New-York*, or in the City and County of *Albany*, shall be held at such Place within the same respectively, as the Supreme Court at the Time of appointing the said Circuit Courts, shall for that Purpose direct; any Thing in the said Act to the Contrary notwithstanding.

CHAP. V.

An ACT *to enable the Chief Justice to hold the Court of Exchequer during* January *Term, One Thousand Seven Hundred and Eighty-nine.* Passed 16th January, 1789.

Obsolete.

CHAP. VI.

An ACT *to empower the Mayor, Recorder and Aldermen of the City of* New-York, *to raise by Tax the Sum of* Thirteen Thousand Pounds, *for the Purposes therein mentioned.* Passed 22d January, 1789.

Obsolete.

CHAP. VII.

An ACT *further to continue the Treasurer of this State in Office.* Passed 26th January, 1789.

Gerard Bancker continued Treasurer.

I. BE *it Enacted by the People of the State of* New-York, *represented in Senate and Assembly, and it is hereby Enacted by the Authority of the same*, That *Gerard Bancker* shall be, and hereby is continued in Office as Treasurer of this State, until *sixty* Days after the Rising of the Legislature at their next Meeting after the first Monday in *July*, which will be in the Year of our Lord, One Thousand Seven Hundred and Ninety.

To take an Oath.

II. *And be it further Enacted by the Authority aforesaid*, That the said *Gerard Bancker*, if he shall take upon him the Execution of the said Office, shall, on or before the first Day of *April* next, appear before one of the Judges of the Supreme Court of this State, and take the following Oath, *viz.*

Form of Oath.

I, GERARD BANCKER, *appointed Treasurer of this State, do solemnly and sincerely swear and declare, in the Presence of Almighty God, That I will, during my Continuance therein, well, faithfully and honestly, to the Best of my Knowledge and Ability, execute the Office of Treasurer of this State; and that I will not, on any Occasion or Pretence, apply any Money or Securities which shall or may come to my Hands, as belonging to this State, to any private Uses or Purposes whatsoever; and that when my Accounts as Treasurer shall be examined in Manner directed by Law, I will exhibit an Account of such Securities, under this my Oath of Office.* So help me GOD.

III. *And*

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The Treaſurer to give Bond, with Sureties, to the Speaker of the Aſſembly.

III. *And be it further Enacted by the Authority aforeſaid*, That the Speaker of the Aſſembly for the Time being, ſhall take a Bond from the above named *Gerard Bancker*, on or before the firſt Day of *April* next, with not leſs than four ſufficient Sureties to the People of this State, in the Sum of *Twenty Thouſand Pounds*, lawful Money of this State, with a Condition, That the ſaid *Gerard Bancker* ſhall and will, well, faithfully and honeſtly execute and perform the Duties of the ſaid Office; which Bond, when ſo taken, ſhall be lodged in the Secretary's Office of this State.

When and how the Bond may be diſcharged.

IV. *And be it further Enacted by the Authority aforeſaid*, That if the ſaid *Gerard Bancker* ſhall, upon the Expiration of the Time for which by this Act he is continued in Office, procure and lodge in the Office of the Secretary of this State, a Certificate duly executed by the Auditor of the State, and the Committee appointed, or to be appointed, to aſſiſt the Auditor in the Settlement of the public Accounts, expreſſing that the Accounts of the ſaid *Gerard Bancker*, as Treaſurer, are regularly ſtated and ballanced; and alſo that the Ballance of Money and Securities belonging to the Public, if any there be, are actually in the Treaſury, ſuch Certificate, when lodged in the Office of the Secretary of the State as aforeſaid, ſhall be, to all Intents and Purpoſes, a Diſcharge of the Bond directed by this Act to be given by the Treaſurer, with Sureties for the faithful Performance of the Duties of his Office as aforeſaid.

CHAP. VIII.

Obſolete.

An ACT *for the Relief of Perſons owing Money to the People of this State, in Right of Perſons whoſe Eſtates have been confiſcated, and who have tendered Payment to the Treaſurer previous to the firſt Day of* November *laſt.*

Paſſed 26th January, 1789.

CHAP. IX.

Private.

An ACT *for the Relief of* Cadwallader Colden.

Paſſed 27th January, 1789.

CHAP. X.

‡ 11*th Seſſ. Ch.* 92.

An ACT *ſupplementary to the Act, entitled,* ‡ *An* Act *for giving Relief in Caſes of Inſolvency.*

Paſſed 27th January, 1789.

Preamble.

WHEREAS by the Laws in being within this State, Executors or Adminiſtrators have no Authority to become petitioning Creditors for any Inſolvent Debtor, nor to conſent to his Diſcharge, unleſs at their own Riſque, whereby it may frequently happen that the Eſtates of their Teſtator or Inteſtate may be injured: Therefore,

Executors and Adminiſtrators may be authoriſed to become petitioning Creditors for inſolvent Debtors, by Application to the Chancellor.

Be it Enacted by the People of the State of New-York, *repreſented in Senate and Aſſembly, and it is hereby Enacted by the Authority of the ſame*, That in all Caſes where Executors or Adminiſtrators think it would be proper for them to become petitioning Creditors for any inſolvent Debtor, in the Manner preſcribed in and by the Act, entitled, *An* Act *for giving Relief in Caſes of Inſolvency*, ſuch Executors or Adminiſtrators may preſent a Petition to the Chancellor of this State for the Time being, ſtating the Reaſons which induce them to think it adviſeable for them reſpectively to become petitioning Creditors as aforeſaid, whereupon the ſaid Chancellor ſhall and may, as ſoon as he ſhall deem it convenient, examine the Allegations and Reaſons contained

in

in ſuch Petition, in a ſummary Manner; and if he ſhall thereupon be of Opinion, that it will not be diſadvantageous to the Perſons intereſted in the perſonal Eſtate of ſuch Teſtator or Inteſtate, that the ſaid Executors or Adminiſtrators ſhould become petitioning Creditors as aforeſaid; then, and in every ſuch Caſe, he ſhall cauſe an Entry of ſuch Opinion to be made in the Minutes of the Court of Chancery; and thereupon the ſaid Executors or Adminiſtrators ſhall be fully authorized to become petitioning Creditors as aforeſaid, and ſhall be only chargeable with ſuch Sum or Sums of Money as ſhall come to their Hands from the Eſtate of the Inſolvent; any Law, Uſage or Cuſtom to the contrary notwithſtanding.

And be chargeable only with ſuch Monies as they receive from Inſolvent's Eſtates.

CHAP. XI.

An ACT *to erect Part of the County of* Montgomery *into a ſeparate County, by the Name of* Ontario.

Paſſed 27th January, 1789.

Preamble.

WHEREAS the County of *Montgomery* is ſo extenſive, as to be inconvenient to thoſe who now are, or may hereafter ſettle in the Weſtern Part of that County: Therefore,

Ontario County deſcribed.

I. *Be it Enacted by the People of the State of* New-York, *repreſented in Senate and Aſſembly, and it is hereby Enacted by the Authority of the ſame,* That all that Part of the County of *Montgomery*, which lies to the Weſtward of a Line to be drawn due North to *Lake Ontario*, from the Mile Stone or Monument marked *Eighty-two*, and ſtanding in the Line of Diviſion between this State, and the Commonwealth of *Pennſylvania*, ſhall be one ſeparate and diſtinct County, and be called and known by the Name of *Ontario*.

The Courts where to be held in *Ontario* County.

II. *And be it further Enacted by the Authority aforeſaid,* That there ſhall be held in and for the ſaid County of *Ontario*, a Court of General Seſſions of the Peace, and a Court of Common Pleas, at ſuch ſuitable and convenient Place within the ſaid County, as ſuch Judges of the Court of Common Pleas, and ſuch Juſtices of the Court of Seſſions, as ſhall be appointed for the ſaid County, or a Majority of them may direct; and that there be in the ſaid County, two Terms in every Year, to commence and end on the Days following, *viz.* The firſt Term to commence on the firſt Tueſday in *June*, and to end on the Saturday following; and the ſecond Term to commence on the firſt Tueſday in *November*, and to end on the Saturday in the ſame Week; provided that in any of the ſaid Terms the Court may adjourn previous to the Day above limited for the Termination thereof, if the Buſineſs of the Court will permit; and that the firſt Court of General Seſſions of the Peace and firſt Court of Common Pleas in the ſaid County, ſhall be held on the firſt Tueſday in *November* next.

Two Terms in every Year.

Time of holding the firſt Courts.

How the County of *Ontario* ſhall be divided into Diſtricts.

III. *And be it further Enacted by the Authority aforeſaid,* That until other legiſlative Proviſion ſhall be made in the Premiſes, it ſhall and may be lawful, to and for the Juſtices of the Court of Seſſions for the ſaid County of *Ontario*, or a Majority of them at any General Seſſion, or at any ſpecial Seſſion to be held for the Purpoſe, and they are hereby authorized, to divide the ſaid County into two or more Diſtricts, as they ſhall deem expedient and convenient to the Inhabitants; and that the ſaid Juſtices at any ſuch Seſſion as aforeſaid, ſhall fix and direct the Place or Places in each of the Diſtricts ſo to be made, at which the firſt Meetings for electing Town Officers ſhall be held; and all future Meetings in any Diſtrict ſhall be held at ſuch Place as a Majority of the Inhabitants thereof ſhall, by open Vote at any Town-Meeting, appoint.

And Places fixed for Elections of Town-Officers.

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Rights of the Freeholders and Inhabitants in the Diſtricts.

IV. *And be it further Enacted by the Authority aforeſaid*, That the Freeholders and Inhabitants of the ſaid County, and of every ſuch Diſtrict therein, ſhall be, and they hereby are declared entitled to all the Rights, Privileges and Immunities which the Inhabitants within any other County, Diſtrict or Town within this State are, or may be entitled to by the Conſtitution and Laws of this State.

How Freeholders and Inhabitants are to vote at Elections.

V. *Provided nevertheleſs, and be it further Enacted by the Authority aforeſaid*, That at every Election previous to the Appointment of County and Diſtrict Officers in the ſaid County, it ſhall and may be lawful for the Freeholders and Inhabitants of the ſaid County, to vote in all Elections for Governor, Lieutenant-Governor, and Members for Senate and Aſſembly, in like Manner as they might have done if this Act had not paſſed. *Provided further*, That until ſuch legiſlative Proviſion ſhall be made as will give the ſaid County a ſeparate and diſtinct Repreſentation in the Houſe of Aſſembly, in the Legiſlature of this State, the Votes for Members of Aſſembly at any Election, ſhall, by one of the Inſpectors be delivered to the Sheriff thereof, who ſhall deliver the ſame to the Clerk of the County of *Montgomery*, in like Manner as Votes taken therein, and be canvaſſed by the Superviſors thereof, as if the ſame had been taken in the ſaid County of *Montgomery*, as by Law directed; any Thing in this or any other Law to the contrary hereof notwithſtanding.

How Elections are to be held.

‡ 10*th Seſſ. Ch.* 15.

‡ 11*th Seſſ. Ch.* 64.

VI. *And be it further Enacted by the Authority aforeſaid*, That all Diſtrict or Town Meetings to be held in the ſaid County of *Ontario*, for the Purpoſe of electing State Officers, ſhall be held and conducted in the Manner directed by the Act entitled, ‡ *An* Act *for regulating Elections*, paſſed the 13th *February*, 1787. That all Diſtrict or Town Meetings to be held in the ſaid County, for the Purpoſe of electing Diſtrict or Town Officers, ſhall be held in the Manner directed by the Act, entitled, ‡ *An* Act *for dividing the Counties of this State into Towns*, paſſed the 7th *March*, 1788; and that the State and Diſtrict, or Town Officers, ſhall be reſpectively liable to all the Duties enjoined on them by the Laws of the State, and be ſubject to all the Fines, Pains and Penalties for neglect of Duty or Mal-conduct, as are directed by Law.

Criminals to be committed to the Gaol of *Montgomery*.

Circuit Courts when to be held.

‡ 9*th Seſſ. Ch.* 41.

VII. *And be it further Enacted by the Authority aforeſaid*, That until a Gaol ſhall be provided in the ſaid County of *Ontario*, it ſhall and may be lawful to and for the Officers and Miniſters of Juſtice in the ſaid County, to commit any Perſon charged with the Commiſſion of any capital Offence in the ſaid County of *Ontario*, to the common Gaol of the County of *Montgomery*; and that it ſhall not be the Duty of the Juſtices of the Supreme Court to hold a Circuit Court once in every Year, in the ſaid County of *Ontario*, unleſs in their Judgment they ſhall deem it proper and neceſſary, any thing in the Act, entitled, ‡ *An* Act *for regulating Trials of Iſſues, and for returning able and ſufficient Jurors*, to the contrary notwithſtanding. *Provided always, and it is hereby declared*, That nothing in this Act ſhall be ſo conſtrued as to imply that any State Tax can or will be levied within the ſaid County of *Ontario*, until the Expiration of the Exemption ſtipulated by the Deed of Ceſſion and Agreement between this State and the Commonwealth of *Maſſachuſetts*.

CHAP.

CHAP. XII.

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An ACT *directing the Times, Places and Manner of electing Repreſentatives in this State, for the Houſe of Repreſentatives of the Congreſs of the United States of* America.

Paſſed 27th January, 1789.

I. BE *it Enacted by the People of the State of* New-York, *repreſented in Senate and Aſſembly, and it is hereby Enacted by the Authority of the ſame,* That this State ſhall be, and hereby is divided into ſix Diſtricts, as follows; *That is to ſay,* The Counties of *Suffolk*, *Queen's*, *King*'s and *Richmond*, ſhall be one Diſtrict; and the City and County of *New-York*, and *Weſtcheſter* County, except the Towns of *Salem*, *North-Salem*, *Courtlandt*, *York-Town* and *Stephen-Town*, ſhall be one Diſtrict; and the County of *Dutcheſs*, and the Towns of *Salem*, *North-Salem*, *Courtlandt*, *York-Town* and *Stephen-Town*, in *Weſtcheſter* County, ſhall be one Diſtrict; and the Counties of *Ulſter* and *Orange* ſhall be one Diſtrict; and the Counties of *Columbia*, *Waſhington* and *Clinton*, with all the remaining Part of this State, lying on the Eaſt Side of *Hudſon's-River*, ſhall be one Diſtrict; and that Part of the County of *Albany* which lies on the Weſt Side of *Hudſon's-River*, and the Counties of *Montgomery* and *Ontario*, ſhall be one Diſtrict: And that at every Election in each Diſtrict for Repreſentatives of the People of this State, in the Houſe of Repreſentatives of the Congreſs of the United States, a Perſon who ſhall have attained the Age of *Twenty-five* Years, who ſhall have been *ſeven* Years a Citizen of the United States, and who ſhall then be an Inhabitant of this State, ſhall be choſen by the People of ſuch Diſtrict; *That is to ſay,* By ſuch Perſons who are or ſhall be qualified to vote for Members of the Aſſembly of this State, each of whom ſhall be entitled to vote for one Perſon as ſuch Repreſentative, and the Perſon who ſhall have the greateſt Number of Votes in ſuch Diſtrict ſhall be the Repreſentative; and all ſuch Elections ſhall be held and conducted by ſuch Perſons, and in the ſame Manner as the Elections for Members of the Aſſembly of this State are by Law to be held and conducted; and upon cloſing the Poll at every ſuch Election, the Poll Books or Liſts ſhall, after due Examination and Correction thereof, be ſigned by the Inſpectors attending the cloſing of the Poll Books or Liſts, and by the Clerks who ſhall have kept the ſame Poll Books or Liſts reſpectively, and the Box containing the Ballots, ſhall then be opened, and the Ballots contained therein be taken out, and without being opened or inſpected, ſhall, together with both the Poll Books or Liſts, be immediately put up under Cover, and encloſed, and the Encloſure bound with Tape, and ſealed in ſuch Manner as to prevent its being opened without Diſcovery, and the Inſpectors preſent at cloſing of the Poll, ſhall then put their Seals, and write their Names upon the ſame Encloſure, and one of the Inſpectors then preſent, to be appointed for that Purpoſe by a Majority of them, ſhall without Delay, and within five Days thereafter, deliver the ſame Encloſure, ſo ſealed up as aforeſaid, to the Sheriff of the County, who ſhall upon receiving the ſaid Encloſures, without opening or inſpecting the ſame, or any of them, put the ſaid Encloſures, and every of them, into one Box, which ſhall be well cloſed and ſealed up by him, and he ſhall put his Seal and write his Name, and the Name of his County on the ſaid Box, and ſhall within fourteen Days thereafter, either in Perſon or by his ſufficient Deputy, deliver the ſaid Box, without opening the ſame, or the Encloſures therein contained, into the Office of the Secretary of this State, where the ſame ſhall be ſafely kept by the Secretary of this State, or by his Deputy, unbroken and unopened, until the Meeting of the Committee herein after mentioned, and appointed to canvaſs and eſtimate the Ballots therein contained, when all the ſaid Boxes ſhall be delivered, unbroken and unopened to them; and for which Service, the Sheriffs of the reſpective Counties

The State divided into ſix Diſtricts.

The Qualifications of Perſons to be elected, and of Electors.

Mode of conducting Elections.

Duty of Inſpectors and Clerks.

The Sheriff's Duty.

The Secretary's Duty.

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Counties ſhall be allowed at and after the Rate of *One Shilling* per Mile, for going to the Secretary's Office, to be computed from the Sheriff's Place of Abode in each County, to the Secretary's Office, and to be paid on the Certificate of the Secretary by the Treaſurer of the State, out of any Monies in his Hands unappropriated.

Elections at *Saraghtoga*, and *Still-Water*, how to be conducted.

II. *And be it further Enacted by the Authority aforeſaid*, That the Inſpectors of the Elections in that Part of the County of *Albany*, now called the Diſtrict of *Saraghtoga*, and the Inſpectors at any future Election ſubſequent to the firſt Day of *April* next, when the ſaid Diſtrict will become the Town of *Saraghtoga*, and the Town of *Stillwater* ſhall, at all Elections for ſuch Repreſentatives as aforeſaid, take and keep the Votes and Poll Liſts of the Electors on each Side of *Hudſon's-River*, ſeparately from each other, deſignating whether ſuch Poll Liſts are reſpectively made for that Part of the ſaid Diſtrict or Towns, as the Caſe may be, on the Eaſt or Weſt Side of the ſaid River, and incloſe them with the Ballots in ſeparate Incloſures, and ſhall mention in Writing in ſuch Poll Liſts, and on ſuch Incloſures, on which Side of *Hudſon's-River* the Voters reſpectively dwell.

Committee for canvaſſing and eſtimating the Votes. 10*th Seſſ. Ch.* 15.

III. *And be it further Enacted by the Authority aforeſaid*, That the Committee annually to be appointed by Virtue of the Act, entitled, ‡ *An* Act *for regulating Elections*, paſſed the 13th Day of *February*, 1787, or the major Part of them, ſhall, and hereby are authoriſed and required, to canvaſs and eſtimate the Votes to be taken as aforeſaid, for Members of the Houſe of Repreſentatives of the Congreſs of the United States, and ſhall, on the third Tueſday in *May* next after every ſuch Election, meet together at the Office of the Secretary of this State, and the ſaid Committee, or the major Part of them ſhall, on the ſaid Day, and within ſo many Days thereafter as ſhall be neceſſary for the Purpoſe, proceed to open the ſaid Boxes, one after the other, and the Incloſures therein contained reſpectively, and canvaſs and eſtimate the Votes therein contained, and as ſoon as they ſhall be able to determine upon ſuch Canvaſs and Eſtimate, who by the greateſt Number of Votes ſhall have been choſen a Member of the Houſe of Repreſentatives of the Congreſs of the United States, in each of the ſaid Diſtricts, and within fourteen Days next after the ſaid third Tueſday in *May*, they ſhall determine the ſame, and thereupon, wtihout Delay, make and ſubſcribe, with their own proper Names and Hands Writing, a Certificate of ſuch Determination, in a Book to be kept for that Purpoſe in the ſaid Secretary's Office, there to remain of Record, and without Delay, deliver, or cauſe to be delivered a true Copy thereof ſo ſubſcribed as aforeſaid, to each of the Perſons ſo elected reſpectively, and another Copy thereof ſo ſubſcribed as aforeſaid, to the Houſe of Repreſentatives of the Congreſs of the United States, at their then or next Meeting; and that all and every Duty enjoined on the ſaid Committee by this Act, ſhall and may be exerciſed by the Chancellor and Juſtices of the Supreme Court, on the Occaſions, and in the Manner directed by the ſaid Act.

Their Duty.

When the Chancellor and Judges of Supreme Court may exerciſe the Duty of the Committee.

A Majority of the Committee met to determine Queſtions.

IV. *And be it further Enacted by the Authority aforeſaid*, That when a Majority of the ſaid Committee ſhall meet at any Time, for the Purpoſe of canvaſſing and eſtimating the Votes taken for any ſuch Repreſentative or Repreſentatives, ſuch Majority ſhall be, and hereby are authorized, empowered and required to proceed to ſuch Canvaſs and Eſtimate; and all Queſtions which ſhall ariſe upon ſuch Canvaſs and Eſtimate, or upon any of the Proceedings therein, ſhall be determined according to the Opinion of the major Part of the Committee ſo met.

Oath of the Committee.

V. *And be it further Enacted by the Authority aforeſaid*, That the ſaid Committee, or ſuch of them as ſhall meet, to make ſuch Canvaſs and Eſtimate as aforeſaid, ſhall, before they proceed to open any of the Boxes delivered by the Sheriffs

Sheriffs as aforeſaid, ſeverally take and ſubſcribe the Oath preſcribed by the eleventh Section of the ſaid Act, adding after the Word *Senators*, in the ſaid Oath, *and for Member or Members of the Houſe of Repreſentatives of the Congreſs of the United States*, which Oath the ſaid Committee, or any of them, are hereby authorized and required to adminiſter to each other, and the ſame ſhall be entered of Record by the ſaid Secretary or his Deputy, in the ſame Book in which the Certificate of their Determination is to be recorded as aforeſaid.

How to be adminiſtred and recorded.

VI. *And be it further Enacted by the Authority aforeſaid*, That the firſt Election in this State for ſuch Repreſentatives as aforeſaid, ſhall begin on the firſt Tueſday in *March* next, and general Elections for ſuch Repreſentatives, ſhall be held at the Times following; *That is to ſay*, The firſt general Election next after that which is to be held on the firſt Tueſday in *March* next, ſhall be held on the laſt Tueſday in *April*, One Thouſand Seven Hundred and Ninety, and every ſubſequent general Election ſhall be held on the laſt Tueſday in *April*, in every ſecond Year thereafter; and in Caſe of any Vacancy or Vacancies, by Death or otherwiſe, in the ſaid Office of Repreſentatives, between any of the ſaid general Elections, the Perſon adminiſtring the Government of this State for the Time being, ſhall, by Proclamation, give Notice thereof, and ſhall in ſuch Proclamation ſignify, out of what Diſtrict or Diſtricts the Perſon or Perſons are to be elected to fill ſuch Vacancy or Vacancies, and ſhall alſo, appoint a Day not leſs than *forty*, nor more than *ſixty* Days from the Day of the Publication of ſuch Proclamation for ſuch Election; and cauſe a Copy of ſuch Proclamation to be delivered to each Sheriff within ſuch Diſtricts; and the reſpective Sheriffs ſhall give Notice in Writing of ſuch Election to the Superviſors of the ſeveral Towns or Diſtricts within their Bailiwick, within *eight* Days after receiving ſuch Proclamation; and Notices ſhall be publiſhed by the Superviſors to the People; and ſuch Elections ſhall be held and conducted by ſuch Perſons, and in the ſame Manner as the general Elections for Repreſentatives, are herein before directed to be held and conducted; and the Secretary of this State for the Time being, ſhall, within *ten* Days after receiving the Boxes containing the Ballots taken at any ſuch Election, by ſpecial Meſſengers at the Expence of this State, give Notice thereof in Writing to each Member of the ſaid Committee, and require his Attendance at the Secretary's Office, at a certain Day, not leſs than *twenty* Days nor more than *thirty* Days from the Date of the ſaid Notice, to canvaſs and eſtimate the Votes taken at ſuch Election; and ſuch Canvaſs and Eſtimate ſhall be made by the ſaid Committee, or a Majority of them, and in the ſame Manner, and ſuch Certificates of their Determination be made and given, as is and are herein before directed upon a general Election for Repreſentatives. *Provided neverthelefs*, That the Canvaſs and Eſtimate of the Votes to be taken at the Election to be held on the *firſt* Tueſday in *March* next, ſhall be made on the *firſt* Tueſday in *April* next, at ſuch Place as the Perſon adminiſtring the Government of this State for the Time being ſhall appoint; and if he ſhall not appoint the City of *New-York*, he ſhall then give timely Notice to the Secretary of the State to attend, either by himſelf or by his Deputy, with the Boxes, at the Place appointed.

Times of holding the firſt and ſubſequent Elections.

Vacancies how to be filled up.

The Governor's Duty thereon.

The Sheriff's Duty.

The Superviſor's Duty.

The Secretary's Duty.

When and where the firſt canvaſſing of Votes ſhall be made.

VII. *And be it further Enacted by the Authority aforeſaid*, That if any Perſon ſhall be guilty of Bribery, or corrupt Conduct at any ſuch Election, or in any of the Duties required of him by this Act, or ſhall neglect or refuſe to perform any of the Duties required of him by this Act, every ſuch Perſon ſo offending, ſhall be liable to the ſame Pains and Penalties as are impoſed for the like Offences, in and by the Act, entitled, *An Act for regulating Elections*, and to be recovered and applied in the Manner therein directed.

Penalty for Bribery, or corrupt Conduct at Elections.

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VIII. *And be it further Enacted by the Authority aforeſaid*, That no Officer or other Perſon ſhall call or order any of the Militia of this State to appear or exerciſe on any Day, or at any Time during any ſuch Election, or at any Time within twenty Days before the ordinary and eſtabliſhed Days of Election (except in Caſes of Invaſion or Inſurrection) on Pain of forfeiting the Sum of *Two Hundred Pounds* for every ſuch Offence, to be recovered by any Perſon who will ſue for the ſame, with Coſts; the one Moiety of ſuch Penalty to his own Uſe, and the other Moiety thereof to the People of this State.

Militia not to be called out on or within *twenty* Days of the Election, on Penalty of 200 *l.* except in Caſes of Invaſion.

IX. *And be it further Enacted by the Authority aforeſaid*, That it ſhall not be lawful for any Officer or Miniſter of Juſtice, to ſerve any civil Proceſs in any City or Town within this State, on any Perſon entitled to vote at any ſuch Election, between the Day preceding any Election, and the Day ſubſequent to the cloſing of the Poll at ſuch Election, in ſuch City or Town.

No civil Proceſs to be ſerved on Voters at Elections.

CHAP. XIII.

Obſolete.

An ACT *to enable the Mayor, Recorder and Aldermen, of the City of* New-York, *to order the raiſing Monies by Tax, for the Maintenance of the Poor, and for defraying the other contingent Expences ariſing in the City and County of* New-York.

Paſſed 2d February, 1789.

CHAP. XIV.

An ACT *for the better clearing, regulating and further laying out, public Highways, in* Suffolk *County*, King's *County, and* Queen's *County.*

Paſſed 2d February, 1789.

I. BE *it Enacted by the People of the State of* New-York, *repreſented in Senate and Aſſembly, and it is hereby Enacted by the Authority of the ſame*, That the Commiſſioners of the Highways for the Time being, to be elected or appointed in each of the ſeveral Towns in *Suffolk* County, *King's* County, and *Queen's* County, for the ſame Towns, or the major Part of them, in the reſpective Towns for which they ſhall be choſen or appointed Commiſſioners, ſhall be, and hereby are authoriſed and empowered to regulate the Roads already laid out, and to lay out ſuch other public Roads in the reſpective Towns for which they ſhall be elected or appointed Commiſſioners, as to them, or the major Part of them, ſhall ſeem neceſſary and convenient, and if need be, from Time to Time, to take a View of the Roads before laid out in the reſpective Towns for which they ſhall be elected or appointed Commiſſioners, and to alter ſuch of the ſaid Roads as ſhall appear to them, or the major Part of them, to be inconvenient, in ſuch Manner as they, or the major Part of them, ſhall think convenient, as well for Travellers as for the Inhabitants of ſuch Town, and the adjacent Towns, Villages and Neighbourhoods; and it ſhall and may be lawful for the Commiſſioners of each reſpective Town, or the major Part of them, to ſtop up ſuch Roads in the ſaid Town as ſhall appear to them, or the major Part of them, to be unneceſſary: But all ſuch Roads as ſhall be found by them, or the major Part of them, to be neceſſary and convenient, ſhall remain and continue as the ſame ſhall be found by the ſaid Commiſſioners. *Provided always*, That it ſhall not be lawful for the ſaid Commiſſioners, or any of them, to lay out any Road through any Perſon's Land, without either the Conſent of the Owner thereof, or paying him the true Value of the Land ſo laid out into a Highway or Road, with ſuch Damages as he ſhall ſuſtain thereby: And if any Diſpute ſhall ariſe concerning the Value of the Land or Damages, the ſame ſhall be determined

The Power and Duty of the Commiſſioners of Highways,

No Road to be laid out through any Perſon's Land without Conſent of the Owner or Payment of Damages.

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The Value of the Land and Damages, how to be appraiſed, And how to be paid.

determined, and the true Value and Damages ſet and appraiſed, by two Juſtices of the Peace of the County, by the Oath of twelve Freeholders of the County not having any Intereſt in the Land about which ſuch Diſpute ſhall ariſe, the ſaid Freeholders to be ſummoned by the Sheriff, by Virtue of a Warrant to be iſſued by the ſaid two Juſtices for that Purpoſe; and in all Caſes of public Highways ſo laid out or altered as aforeſaid, the Value of the Lands and Damages, together with the Charges of the Commiſſioners, and the Charges of ſummoning the Jury, and of their Verdict, and of the whole Proceedings had thereon, ſhall be raiſed in the Town where ſuch Highway ſhall be laid out, and be levied and paid in like Manner as the other contingent Charges of the County; and the Highway ſo laid out, ſhall be a common public Highway: But if the Road ſo laid out or altered, be for the private Uſe and Benefit of any particular Perſon or Perſons, then the Value of the Land, Damages and Charges aforeſaid, ſhall be paid by the Perſon or Perſons who deſire the ſame to be laid out or altered, and ſuch Road ſhall be for the only proper Uſe of ſuch Perſon and Perſons, and his and their Heirs and Aſſigns, who ſhall pay for the ſame; but the Perſon through whoſe Land ſuch Road ſhall be laid out, his Heirs or Aſſigns, ſhall not be debarred from croſſing or uſing the ſame Road.

Roads through the ſame Perſon's Land, may be exchanged.

II. *And be it further Enacted by the Authority aforeſaid*, That where any Road hath been laid out contiguous to, or through any Perſon's Land, in any Town, and it ſhall appear to the Commiſſioners of the ſame Town, or the major Part of them, that another Road may be laid out through the ſame Perſon's Land, that would be more convenient, as well for Travellers as for the Inhabitants of the ſame Town, it ſhall and may be lawful for the ſaid Commiſſioners, or the major Part of them, to agree with the Owner or Proprietor of the ſame Lands concerning the ſame, and to exchange the ſaid Road already laid out, for another Road to be laid out by the ſaid Commiſſioners through the ſaid Perſon's Land; which Agreement ſhall be good and valid in the Law, and the Owner or Proprietor of ſuch Land ſhall hold and enjoy the Land where ſuch former Road was laid out, to him and his Heirs and Aſſigns forever.

Roads to be recorded.

III. *And be it further Enacted by the Authority aforeſaid*, That the Commiſſioners of every Town ſhall, from Time to Time, enter in Writing, all the Highways and Roads by them laid out, approved of, altered or ſtopped up, and ſubſcribe the ſame Writing, and cauſe it to be recorded in the Town Records or in the County Records, and the ſeveral Clerks are hereby directed and required to record the ſame; and whatſoever the ſaid Commiſſioners ſhall do according to the Powers given them by this Act, being ſo recorded, ſhall be good and valid to all Intents and Purpoſes whatſoever.

The Breadth of public and private Roads.

IV. *And be it further Enacted by the Authority aforeſaid*, That all public Highways to be laid out by Virtue of this Act, ſhall not be leſs than *three Rods* wide; and that all Roads to be laid out at the Requeſt and for the Uſe and Benefit of any particular Perſon or Perſons, ſhall not be leſs than *Twenty Feet*, nor exceed *two Rods* in Breadth.

Where ſwinging Gates may be hung.

V. *And be it further Enacted by the Authority aforeſaid*, That where any Road from any Town, Village or Plantation, to any landing Place, Mill or Meadow, ſhall run through any Perſon's Land, it ſhall and may be lawful for ſuch Perſon or Perſons, by the Approbation of the Commiſſioners of ſuch Town, to place and hang good eaſy ſwinging Gates on ſuch Roads, and keep them in good Repair, at his and their own proper Coſts: But no Roads leading into, or out of any Commons, where the Cattle belonging to any Town or Village uſually paſs to and from ſuch Commons, ſhall be clogged or obſtructed by

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by any ſwinging Gates or otherwiſe, without the Conſent of the Inhabitants of the ſaid Town or Village, or the major Part of them, and the ſeveral Gates already ſtanding and allowed, may be approved and continued, or altered or removed, as the Commiſſioners ſhall, from Time to Time, judge moſt convenient; and all ſuch Roads ſhall be amended and maintained by the Inhabitants of the Place where ſuch Roads may run.

Penalty for ſtopping up, or obſtructing any Highway.

VI. *And be it further Enacted by the Authority aforeſaid*, That if any Perſon ſhall alter, ſtop up, leſſen, or obſtruct any Highway or Road already laid out, or hereafter to be laid out according to Law, without the Conſent of the Commiſſioners, every ſuch Perſon, ſhall, for every ſuch Offence, forfeit the Sum of *Forty Shillings*, to be recovered with Coſts, before any Juſtice of the Peace, upon the Oath of any one credible Witneſs, and levied of the Goods and Chattels of the Offender, by Warrant from ſuch Juſtice, directed to the Conſtable of the Town or Place where ſuch Offence is committed; and the Conſtable ſhall pay the ſaid Forfeiture and Coſts, to ſuch Juſtice, who ſhall pay the ſaid Forfeiture to the Overſeer of the Highways of the Place where the Offence is committed, to be by him applied towards repairing the public Highways in his Diſtrict.

How recovered and applied.

Commiſſioners of Highways, Allowance for Services.

VII. *And be it further Enacted by the Authority aforeſaid*, That each Commiſſioner ſhall have, as a Reward for his Care and Trouble, for every Day he ſhall be employed in laying out or regulating Highways and Roads in the Town for which he ſhall be choſen or appointed, the Sum of *Six Shillings*, and the Commiſſioners of each Town ſhall tranſmit their Accounts to the Superviſors of the County, who ſhall cauſe the Sums they ſhall find to be due to the ſaid Commiſſioners (except in Caſes where they are to be paid by particular Perſons) to be raiſed in the Town where they were choſen or appointed Commiſſioners, together with the neceſſary contingent Charges of the County, and to be paid to the ſaid Commiſſioners.

How to be raiſed.

Highways to be repaired by the Inhabitants of each Town.

VIII. *And be it further Enacted by the Authority aforeſaid*, That the Freeholders and Inhabitants of each Town in the ſaid Counties ſhall clear, amend, repair and maintain the Highways in the ſame Town; and that every free male Inhabitant, being above the Age of *Twenty-one* Years, ſhall either in Perſon, or by an able and ſufficient Man in his Room, be obliged to work upon the Highways in the Diſtrict or Place where he ſhall reſide, as often as the Overſeer of the Highways of the ſame Diſtrict or Place ſhall direct, not exceeding *ſix* Days in the Year, and ſhall work faithfully at leaſt *eight* Hours in each Day, and ſhall bring with him ſuch Team and ſuch Implements for the Purpoſe as the ſaid Overſeer of the Highways ſhall, from Time to Time, direct and appoint; and if any Perſon ſhall refuſe or neglect to work upon the Highways as aforeſaid, he ſhall forfeit and pay to the Overſeer of the Highways of the Diſtrict or Place where he ſhall reſide, *Nine-pence* for every Hour he ſhall ſo refuſe or neglect to work; and if the ſaid Penalty is not paid within *ſix* Days after the ſame ſhall be incurred, it ſhall be levied with *Four Shillings* Coſts, by a Warrant under the Hand and Seal of the ſaid Overſeer of the Highways, directed to one of the Conſtables of the Town where the Neglect or Refuſal happens, and ſuch Conſtable ſhall levy the ſame by Diſtreſs and Sale of the Goods and Chattels of the Offender, and pay the ſaid Penalty to the ſaid Overſeer of the Highways, with *One Shilling* for the ſaid Warrant, and retain the other *Three Shillings* for his Fees; and the ſaid Penalty ſhall be applied by the ſaid Overſeer of the Highways, towards amending and repairing the Highways in the Diſtrict: *Provided always*, That all Male Slaves in the County of *Suffolk*, above the Age of Sixteen Years, and under the Age of Sixty Years, ſhall be obliged to work on the Highways in the Diſtrict where they live, when the Overſeer of the Highways ſhall direct, not exceeding two Days in a Year, and the Penalties for Default or Neglect, ſhall be levied on the Goods and Chattels of the Maſter or Miſtreſs of ſuch Slave.

Penalty for Neglect.

How to be levied,

And applied.

Slaves in *Suffolk* County to work on Highways.

IX. *And*

IX. *And be it further Enacted by the Authority aforeſaid*, That a good and ſufficient Team, with a Cart, Waggon, Plow or Sled, and a Perſon to manage the ſame, ſhall be eſteemed for, and in Lieu of two Days Work of one Man, and the Penalty for Refuſal or Neglect ſhall be proportionable, and ſhall be levied and applied in the Manner aforeſaid.

A Team and Perſon to manage it, eſteemed in Lieu of 2 Days Work.

X. *And be it further Enacted by the Authority aforeſaid*, That the reſpective Overſeers of the Highways of the reſpective Diſtricts or Places, for which they ſhall be reſpectively choſen or appointed, ſhall, from Time to Time, direct when, where, and in what Manner the Highways and Roads in their reſpective Diſtricts ſhall be cleared, amended and repaired, and overſee and direct how the ſame ſhall be done, and ſhall warn the Inhabitants to work upon the Highways whenever there ſhall be Occaſion.

The Duty of Overſeers of Highways.

XI. *And be it further Enacted by the Authority aforeſaid*, That any Juſtice of the Peace in any Town in either of the ſaid Counties, may order the Overſeer of the Highways of any Diſtrict in ſuch Town, to cauſe the Highways or Roads in his Diſtrict, or any Part or Parts of them, to be cleared, amended or repaired, whenever it ſhall appear to ſuch Juſtice to be neceſſary; and ſuch Overſeer of the Highways ſhall, within eight Days thereafter, warn and ſet the Inhabitants of ſuch Diſtrict, or ſuch of them as ſhall not have worked the full Number of Days, to work upon the ſaid Highways or Roads, or ſuch Part or Parts thereof as he ſhall be ſo ordered to clear, amend or repair; and if any Overſeer of the Highways ſhall neglect or refuſe to do ſo, he ſhall, for every ſuch Neglect or Refuſal, forfeit and pay the Sum of *Forty Shillings*, to be recovered with Coſts, before any Juſtice of the Peace in the ſame County, upon the Oath of any credible Witneſs; and the ſaid Penalties, when recovered, ſhall be paid to the Commiſſioners of Highways of the ſame Town, and be by them applied towards the repairing the Highways in the ſame Town.

Juſtice may order the Overſeer of Highways to cauſe Roads to be repaired.

Delinquent Overſeers to forfeit 40 *s.*

Penalties how to be applied.

XII. *And be it further Enacted by the Authority aforeſaid*, That all Trees and Wood ſtanding in any Highway may be cut down and removed, or uſed for repairing the ſame, or any other Highway; but ſuch as is not uſed for that Purpoſe, may at any Time be cut down by the Owner of the Land through which ſuch Highway runs, and applied to his own Uſe.

Trees, ſtanding in Highways, may be uſed for repairing Roads.

XIII. *And be it further Enacted by the Authority aforeſaid*, That if any Perſon ſhall wantonly damage any Road, Bridge, or Cauſeway, or fence acroſs any Road or Highway in any of the ſaid Counties, or erect or ſet up any Gate thereon, or put or leave in any of them any unneceſſary Obſtruction without Leave of the ſaid Commiſſioners; or if any Perſon ſhall leave a dead Horſe, or the Carcaſe of any other Beaſt, or any broken Carriage in any Road or Highway, for any longer Time than may be neceſſary to remove the ſame, or ſet up in or near any Road or Highway, any Thing by which Horſes are uſually affrighted, or ſhall by any improper Behaviour affright any Horſe or Traveller on any Road or Highway, every ſuch Perſon ſhall, for every ſuch Offence, forfeit and pay, to the Overſeer of the Highways of the Diſtrict where the Offence ſhall be committed, the Sum of *Forty Shillings*, to be recovered by the ſaid Overſeer of the Highways, with Coſts of Suit, by Action of Debt, before any Court having Cognizance thereof, and when recovered, ſhall be applied to the repairing and improving the Roads or Highways within ſuch Diſtrict, in ſuch Manner as the Overſeer of the Highways ſhall think beſt.

Penalty for injuring or obſtructing Highways, or affrighting Horſes or Travellers.

How to be recovered and applied.

XIV. *And be it further Enacted by the Authority aforeſaid*, That in all Caſes of Perſons meeting each other in Carriages, Waggons, Carts or Sleighs, on any Road or Highway in *King*'s County, or on the main Road to the Weſtward of the *Great Plains*, in *Queen*'s County, thoſe who are not going

In Caſes of Carriages meeting, in *King*'s, and Part of *Queen*'s County, which ſhall give Way to the other.

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going towards the City of *New-York*, ſhall give Way to ſuch as are going towards the City of *New-York*, under the Penalty of *Forty Shillings* for every Offence, to be recovered, with Coſts of Suit, by any Perſon who will ſue for the ſame, before any Juſtice of the Peace of the County where the Offence is committed; the one Half of which Penalty ſhall be for the Uſe of the Perſon who ſhall proſecute for the ſame with Effect, and the other Half thereof ſhall be paid to the Commiſſioners of the Highways of the Town where the Offence was committed, and be by them applied towards the Repair of the Highways in the ſame Town.

‡ 8*th Seſſ. Ch.* 38.

Part of former Act repealed.

XV. *And be it further Enacted by the Authority aforeſaid*, That the ſecond Section of the Act, entitled, ‡ *An* Act *to amend an Act, entitled, An* Act *for the better laying out, regulating and keeping in Repair, all common and public Highways and private Roads in the Counties of* Ulſter, Orange, Dutcheſs, Waſhington, Weſtcheſter, Albany *and* Montgomery, *paſſed the* 4*th Day of* May, 1784, *and to extend the ſame to the County of* Suffolk, ſhall be, and hereby is repealed.

CHAP. XV.

Privatt.

An ACT *for the Relief of* Henry Rutgers *and others.*

Paſſed 6th February, 1789.

CHAP. XVI.

Private.

An ACT *for the further Relief of* Catharine Kittle.

Paſſed 6th February, 1789.

CHAP. XVII.

An ACT *relative to the* Mayor's *Courts of the Cities of* Albany *and* Hudſon.

Paſſed 6th February, 1789.

Mayor's Courts of *Albany* and *Hudſon*, not to hold Plea of Cauſes ariſing out of their Juriſdiction.

I. BE *it Enacted by the People of the State of* New-York, *repreſented in Senate and Aſſembly, and it is hereby Enacted by the Authority of the ſame*, That from and after the paſſing of this Act, no Action ſhall be commenced in the Mayor's Court of the City of *Albany*, or the Mayor's Court of the City of *Hudſon*, unleſs in ſuch Caſes in which the Cauſe of Action aroſe within the Juriſdiction of ſuch Courts reſpectively.

Mayor's Court of *Albany* may adjourn for *ſix* Weeks.

II. *And be it further Enacted by the Authority aforeſaid*, That it ſhall be lawful for the Mayor, Recorder and Aldermen of the City of *Albany*, or ſuch of them as ſhall at any Time hold the Mayor's Court in and for the ſaid City, from Time to Time, to adjourn the ſaid Court for any Time, not exceeding *ſix* Weeks; any Law, Uſage or Cuſtom to the Contrary notwithſtanding.

CHAP. XVIII.

An ACT *relative to Mines.*

Paſſed 6th February, 1789.

Diſcoverers of Gold or Silver Mines, to have the Whole thereof for 21 Years.

I. BE *it Enacted by the People of the State of* New-York, *repreſented in Senate and Aſſembly, and it is hereby Enacted by the Authority of the ſame*, That every Perſon who heretofore has, or hereafter ſhall make Diſcovery of any Mine or Mines of Gold or Silver, within this State, and the Executors, Adminiſtrators or Aſſigns of ſuch Perſon, ſhall be, and hereby is and are exempted, acquitted, releaſed and diſcharged of and from paying or yielding to the Peo-

ple

ple of this State, as Sovereign thereof, or to any Commiſſioner, Agent, Collector or Receiver, for their Uſe, any Part, Share, Portion or Dividend whatſoever, of the Ore, Produce or Profit of ſuch Mine or Mines, for, during and until the full End and Term of Twenty-one Years, to be computed from the Time of giving Notice of ſuch Diſcovery in the Manner herein after directed.

II. *And be it further Enacted by the Authority aforeſaid*, That every Perſon diſcovering, or having diſcovered a Mine or Mines of Gold or Silver within this State, ſhall, before he preſumes to work the ſame, give Notice thereof, by Information in Writing, to the Secretary of this State, deſcribing particularly therein the Nature and Situation of the ſame, which Notice ſhall be regiſtered in a Book, to be kept by the ſaid Secretary for that Purpoſe, and the Secretary ſhall be entitled thereupon to the Sum of *Ten Shillings*, and no more, for his Services in regiſtering ſuch Notice.

Notice to be given to the Secretary, previous to the Working of ſuch Mines.

To be regiſtered.

III. *And be it further Enacted by the Authority aforeſaid*, That no Perſon or Perſons ſhall, on any Pretext whatſoever, preſume to work or intermeddle with any Mine or Mines of Gold or Silver, within this State, after the Expiration of the Term during which he, ſhe or they is or are privileged as above ſpecified, until he, ſhe or they ſhall have previouſly obtained Permiſſion of the Legiſlature of this State for that Purpoſe, on ſuch Conditions and Limitations as the Legiſlature ſhall deem proper and expedient.

No Perſon to work ſuch Mine after the Expiration of ſuch Term without Permiſſion of the Legiſlature.

IV. AND in Order to give every reaſonable Advantage to Perſons making Diſcovery of ſuch Mines as aforeſaid, *Be it further Enacted by the Authority aforeſaid*, That in all Treaties with the Legiſlature for the working of ſuch Mines, the Perſon or Perſons who made diſcovery of the ſame, or his, her or their Executors, Adminiſtrators or Aſſigns, ſhall have the Offer of being a Party and Privy thereto, and ſhall, in every Treaty for working the ſame, have the Preference of all other Perſons whomſoever.

In Treaties for working ſuch Mines, the Diſcoverers and their Repreſentatives, to have Preference of all others.

V. *Provided always*, That nothing herein contained ſhall be conſtrued to give any Perſon a Right to dig or break up the Soil or Ground of any Perſon or Perſons, Bodies corporate or politic, or of the People of this State, or to work any Mine in the ſame, unleſs the Conſent of the Owner or Owners of ſuch Soil or Ground, is, for that Purpoſe, previouſly obtained.

No Perſon to dig or break up any Ground without Conſent of the Owner.

VI. *Provided alſo*, That nothing in this Act contained, ſhall in any wiſe affect any Grants heretofore made by the Legiſlature of this State to Perſons having diſcovered Mines.

This Act not to affect former Grants.

VII. *And be it further Enacted by the Authority aforeſaid*, That all and every Perſon and Perſons, being a Citizen or Citizens of any of the United States of *America*, who now are, or hereafter ſhall be the Owner or Owners of any Mine or Mines, within this State, wherein any Ore now is or hereafter ſhall be diſcovered, opened, found or wrought, of which, upon an Average, two equal Third Parts, or more in Value, are Copper, Tin, Iron and Lead, or any of thoſe Metals, ſhall and may hold and enjoy the ſame Mine or Mines, and Ore, and continue in the Poſſeſſion thereof, and dig and work the ſaid Mine or Mines, or Ore, notwithſtanding that ſuch Mine or Mines, or Ore, ſhall be pretended or claimed to belong to the People of this State, as the Sovereign thereof; any Law, Uſage or Cuſtom to the Contrary notwithſtanding.

What Mines belong to the Owners of the Soil.

CHAP.

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CHAP. XIX.

An ACT *for the Puniſhment of diſorderly Perſons in the City of* New-York.
Paſſed 6th February, 1789.

BE *it Enacted by the People of the State of* New-York, *repreſented in Senate and Aſſembly, and it is hereby Enacted by the Authority of the ſame,* That it ſhall and may be lawful for the Mayor, Recorder and Aldermen of the City of *New-York*, for the Time being, or any two of them, in all Caſes where by Law they, or any of them are authoriſed to inflict corporal Puniſhment for any Crime or Miſdemeanor, except under the Act, entitled, ‡ *An* Act *for apprehending and puniſhing diſorderly Perſons*, to ſubſtitute at their Diſcretion, inſtead of ſuch corporal Puniſhment, a Confinement of the Offender in the Houſe of Employment, or Bridewell belonging to the ſaid City, to be kept at hard Labour therein, or at any Work or Employment at any other Place within the ſaid City, for any Period not exceeding *ſix* Months, according to the Nature of the Offence; and alſo to confine and ſet to hard Labour in Manner aforeſaid, and for any Time not exceeding *ſix* Months as aforeſaid, all diſorderly Perſons who have been legally removed from the ſaid City, and ſhall have unlawfully returned without bringing a Certificate from the City or Town whereto they reſpectively belong, all common ſtreet Beggars, and all idle Perſons not having viſible Means of Livelihood, and who cannot give a good Account of themſelves, or find ſufficient Sureties for their good Behaviour, who now are, or from Time to Time ſhall come into, or ſojourn within the ſaid City.

The Mode of puniſhing diſorderly Perſons in the City of *New-York*.

‡ 11*th Seſſ. Ch.* 31.

CHAP. XX.

Obſolete.

An ACT *for diſcharging the Arrears due on certain Requiſitions of Congreſs for Specie.*
Paſſed 12th February, 1789.

CHAP. XXI.

11*th Seſſ. Ch.* 47.

An ACT *to continue and amend an Act, entitled,* ‡ *An* Act *for appointing Commiſſioners to hold Treaties with the Indians within this State.*
Paſſed 12th February, 1789.

WHEREAS the Time limited by the Act, entitled, *An* Act *for appointing Commiſſioners to hold Treaties with the Indians within this State*, paſſed the 1ſt of *March*, 1788, for the Continuance in Office of the Commiſſioners therein named, is expired, and it being neceſſary that Commiſſioners ſhould be appointed for the Purpoſes mentioned in the ſaid Act; Therefore,

Act of 1ſt *March*, 1788, revived.

Three additional Commiſſioners appointed.

Powers of Commiſſioners reſtricted.

Be it Enacted by the People of the State of New-York, *repreſented in Senate and Aſſembly, and it is hereby Enacted by the Authority of the ſame,* That the ſaid Act be, and the ſame is hereby revived and continued until *thirty* Days after a Quorum of both Houſes ſhall be aſſembled at the firſt Meeting of the Legiſlature after the firſt Monday in *July* next, and that *Pierre Van Cortlandt*, *John Hathorn* and *Abraham Ten Broeck*, Eſquires, ſhall be, and hereby are appointed Commiſſioners, in Addition to the Perſons named in the ſaid Act; and that none of the Powers veſted in the ſaid Commiſſioners in and by the ſecond Section of the ſaid Act, ſhall be exerciſed in any Part of this State, other than in the Counties of *Montgomery* and *Ontario*. *Provided always*, That nothing in the aforeſaid Act contained ſhall be ſo conſtrued as to authoriſe the ſaid Commiſſioners, or any of them, to order or ſend any Perſon or Perſons from any ſuch Place where any Treaty may be held, farther than to his, her or their uſual Place of Reſidence, or to authoriſe the ſaid Commiſſioners,

ſioners, or any of them, to ſend or commit any Perſon or Perſons to any other Gaol or Place of Confinement, than the Gaol of the County of *Montgomery*. *And provided alſo*, That nothing in this Act contained, ſhall be conſtrued to empower the Perſon adminiſtring the Government of this State for the Time being, at any Time hereafter to draw any Sum or Sums of Money from the Treaſury of this State, which ſhall exceed in the whole the Sum of, *Three Thouſand Pounds*.

Not above 3000l. to be drawn from the Treaſury by this Act.

CHAP. XXII.

An ACT *to encourage the raiſing of Sheep, and to prevent Injury by Dogs.*

Paſſed 13th February, 1789.

I. BE *it Enacted by the People of the State of* New-York, *repreſented in Senate and Aſſembly, and it is hereby Enacted by the Authority of the ſame*, That it ſhall and may be lawful to and for the Collector or Collectors in each reſpective Town within this State, and they are hereby authoriſed and required, once in every Year, during the Continuance of this Act, to demand and receive of and from the Maſter or Miſtreſs of any Family in which a Dog or Dogs are kept, or from a ſingle Perſon keeping a Dog or Dogs, the following Sums, *viz.* If only one Dog is kept by any Family, or by any ſingle Perſon, the Sum of *One Shilling*; if two Dogs are ſo kept, the Sum of *Five Shillings*, and for every Dog ſo kept above two, the further Sum of *Eight Shillings*.

The Collectors of every Town to collect a Tax on Dogs once in every Year.

II. *And be it further Enacted by the Authority aforeſaid*, That the Collectors in each Town ſhall reſpectively keep a Book, and therein enter the Name of every Perſon in that Part of the Town for which he is Collector, who ſhall keep a Dog or Dogs, ſpecifying the Number kept by each Perſon, with the Sum or Tax collected from each Perſon by Virtue of this Act, and ſhall deliver ſuch Book on Oath, and pay the Amount of the Monies ſo collected, into the Hands of the Clerk of the Town, to be diſpoſed of for the Purpoſes in this Act directed, reſerving to himſelf *One Shilling* in the Pound for all Sums by him collected, and ſo paid as aforeſaid; and in Caſe any Collector ſhall refuſe or neglect to deliver ſuch Book on Oath, or refuſe or neglect to pay the Money ſo by him in Manner aforeſaid collected, on or before the firſt Day of *February*, in every Year, and be thereof convicted before any Juſtice of the Peace, ſuch Collector ſhall forfeit and pay unto the Clerk of the Town twice the Sum for which ſuch Clerk ſhall be bound to account in Manner herein after mentioned; which Forfeiture ſhall be applied to and for the Purpoſes directed by the ſeventh Section of this Act.

To enter the Name, and Sum received of every Perſon keeping a Dog, in a Book, and deliver the ſame on Oath, to the Town-Clerk.

Collector's Allowance.

Penalty on delinquent Collectors.

III. *And be it further Enacted by the Authority aforeſaid*, That if any Perſon or Perſons, having Property in, or keeping any Dog of what Kind ſoever as aforeſaid, ſhall neglect or refuſe to pay unto the Collector or Collectors of the reſpective Towns, the Sum or Sums as aforeſaid, it ſhall and may be lawful, and it is hereby enjoined on, and made the Duty of ſuch Collector or Collectors, to commence and proſecute his or their Action or Actions, againſt any Delinquent or Delinquents, for the Recovery of the ſame, with Coſts of Suit, before any Juſtice of the Peace within the County; and if any Perſon or Perſons ſhall deny that he, ſhe or they have Property in, or keep any Dog, yet if it can be proved that ſuch Perſon or Perſons are in Poſſeſſion of, or ſuffer any Dog to remain about his or her Houſe for *Twenty* Days before the Demand by any Collector, he, ſhe or they ſhall be deemed to be the Owner or Owners of ſuch Dog, and be liable to the Payment of the Tax aforeſaid, to be recovered in the Manner herein before directed; and if any Dog ſhall keep about any Perſon's Houſe, and continue there for *Twenty* Days,

Collector how to proſecute Delinquents for this Tax.

Who ſhall be deemed the Owners of Dogs.

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and no Perſon appears within that Time to claim and take away ſuch Dog, it ſhall and may be lawful for ſuch Perſon, having ſuch Dog about his or her Houſe, to keep or kill the ſame, at any Time after the Expiration of the ſaid *Twenty* Days.

Where Damages are done to Sheep by Dogs, and the Owners of the Dogs cannot be diſcovered, the Fence Viewers to certify the Amount of ſuch Damage,

IV. *And be it further Enacted by the Authority aforeſaid*, That when any Perſon or Perſons, within any of the ſaid Towns, ſhall have ſuſtained Damages by his Sheep being worried or killed by any Dog, it ſhall and may be lawful for ſuch Perſon ſo ſuſtaining Damage, to call in the Fence Viewers of ſuch Town for the Time being, who ſhall reſide next adjacent to the Perſon or Perſons, where ſuch Damage ſhall be ſuſtained, and ſuch Fence Viewers are hereby required and enjoined to view the Sheep ſo hurt or killed; and if it ſhall appear to their Satisfaction, or to the Satisfaction of the major Part of them, that ſuch Sheep were hurt or killed by a Dog or Dogs only, and that the Owner or Owners of ſuch Dog or Dogs cannot be diſcovered, then the ſaid Fence Viewers ſhall certify the Amount of the Damage ſo ſuſtained, which Certificate ſhall be a ſufficient Voucher to the Clerk of the Town for paying the Sum in ſuch Certificate expreſſed, out of any Monies which may, from Time to Time, come into his Hands by Virtue of this Act. *Provided always*, That before ſuch Certificate ſhall be diſcharged by the Clerk, the Perſon or Perſons having ſuſtained the Damage therein mentioned, ſhall make Oath before a Juſtice of the Peace, that he doth not know by whoſe Dog or Dogs ſuch Damage was occaſioned, and that whenever the ſame ſhall come to his Knowledge, he will give Notice thereof to the Clerk; which Oath ſhall be indorſed on ſuch Certificate, and ſubſcribed by ſuch Perſon or Perſons, as well as by the Juſtice before whom the ſaid Oath ſhall be made.

Which ſhall be paid by the Town Clerk out of the Monies ariſing by the Tax on Dogs.

But before Payment the Perſon ſuſtaining the Damage to make Oath, that he doth not know by whoſe Dog or Dogs it was occaſioned.

The Town Clerk when to ſue for ſuch Damages.

V. *And be it further Enacted by the Authority aforeſaid*, That whenever the Clerk ſhall in any way whatſoever, diſcover by whoſe Dog or Dogs ſuch Damage was done, he ſhall, and is hereby authoriſed to ſue for and recover ſuch Damage ſo by him paid, in the Manner directed by the eighth Section of this Act, as if ſuch Damage had been immediately ſuſtained by ſuch Clerk; and the Monies ſo recovered ſhall be applied in the ſame Manner as the ſaid Tax is directed to be applied.

Town Clerk to give Bond to the Superviſor.

Delinquent Clerks to be ſued for Penalty of their Bonds by the Superviſors.

Penalty how to be applied.

No Suit of Town Clerk or Superviſor to abate by Death, or Expiration of the Office; but may be proſecuted by Succeſſors in Office.

VI. *And be it further Enacted by the Authority aforeſaid*, That the Clerk of every ſuch Town ſhall, immediately after every annual Town Election, enter into Bond to the Superviſor of the Town, in ſuch Sum as the Superviſor and Aſſeſſors then preſent, or the major Part of them, ſhall direct; Conditioned, That he will truly and faithfully account for the Money ſo by him to be received, on the laſt Day of the next annual Town-Meeting; and in Caſe of Default or Non-Payment of the Monies which ſhall be in his Hands at the Time aforeſaid, if thereunto required by the Superviſor, it ſhall and may be lawful to the Superviſor for the Time being, to proſecute in his own Name for the Penalty in ſuch Bond expreſſed, which Penalty, when recovered, ſhall be paid to the Overſeers of the Highways of the ſame Town, to be applied in like Manner as the Surplus Money is directed to be applied by the ſeventh Section of this Act; and no Action or Suit to be commenced or proſecuted by any Superviſor or Town Clerk, by Virtue or in Purſuance of this Act, ſhall be abated or diſcontinued by the Death, or the Expiration of the Office of ſuch Clerk or Superviſor, but ſhall and may be continued and proſecuted to Effect by the Succeſſors in Office of the ſame Clerk or Superviſor.

Surplus of the Tax in the Hands of the Clerk, how to be diſpoſed of.

VII. *And be it further Enacted by the Authority aforeſaid*, That if at the End of any *two* Years, there ſhall appear to be a Surplus of Money remaining in the Hands of ſuch Clerk, it ſhall and may be lawful to and for the Superviſor and Aſſeſſors, or the major Part of them, by Writing under their Hands, to direct

direct ſuch Surplus Money to be paid into the Hands of ſuch Overſeer or Overſeers of the Highways, as they may deem proper, to be applied by ſuch Overſeer or Overſeers in repairing Bridges and Roads in the Town, as the Commiſſioners of the Highways ſhall direct.

Owners of Dogs to pay for Sheep killed by them;

VIII. *And be it further Enacted by the Authority aforeſaid*, That if any Dog ſhall kill or wound any Sheep or Lamb in this State, the Owner or Poſſeſſor of ſuch Dog, ſhall pay to the Owner of ſuch Sheep or Lamb ſo killed or wounded, the full Value thereof, to be recovered with Coſts of Suit before any Juſtice of the Peace of the County where ſuch Offence ſhall be committed, and levied by Diſtreſs and Sale of the Goods and Chattels of the Owner or Poſſeſſor of ſuch Dog; and if ſufficient Goods and Chattels for that Purpoſe ſhall not be found, then the Owner or Poſſeſſor of ſuch Dog ſhall be committed to the common Gaol of the ſame County, there to remain until the Damages and Coſts ſhall be paid or ſatisfied; and if the Owner or Poſſeſſor of ſuch Dog do not, within *Forty-eight* Hours after Judgment ſo given againſt him or her, kill, or cauſe ſuch Dog to be killed, he or ſhe ſhall forfeit the Sum of *Twenty Shillings*, and the further Sum of *Ten Shillings* for every *Forty-eight* Hours thereafter, until ſuch Dog ſhall be killed, unleſs it ſhall appear to the Satisfaction of the Juſtice before whom any Suit ſhall be brought for the Recovery of ſuch Forfeiture, that it was not in the Power of the Owner of ſuch Dog to kill the ſame; to be recovered, and levied with Coſts of Suit in the Manner aforeſaid, to and for the Uſe of any Perſon who ſhall ſue for the ſame.

And to kill ſuch Dogs, if in their Power.

Penalty for Neglect.

Dogs chaſing Sheep, may be killed by any Perſon;

IX. *And be it further Enacted by the Authority aforeſaid*, That it ſhall and may be lawful for any Perſon or Perſons who ſhall ſee any Dog chaſe, worry or wound any Sheep or Lamb, to kill ſuch Dog; and if ſuch Perſon do not, or cannot kill ſuch Dog, he ſhall give Notice thereof to the Owner or Poſſeſſor of ſuch Dog; and if ſuch Dog ſhall not be killed within *Forty-eight* Hours after ſuch Notice, the Owner or Poſſeſſor of ſuch Dog ſhall forfeit the Sum of *Twenty Shillings*, and the further Sum of *Ten Shillings* for every *Forty-eight* Hours thereafter, until ſuch Dog ſhall be killed, unleſs it ſhall appear to the Satisfaction of the Juſtice before whom any Suit ſhall be brought for the Recovery of ſuch Forfeiture, that it was not in the Power of the Owner of ſuch Dog to kill the ſame; to be recovered and levied in the Manner aforeſaid, to and for the Uſe of any Perſon who ſhall ſue for the ſame. *Provided always*, That nothing in this Act contained, ſhall prevent any Shepherd from making Uſe of Dogs to drive or turn Sheep under his Care, or to prevent any other Perſon from making Uſe of Dogs to drive his own Sheep.

And if not killed, Notice to be given to the Owner.

Penalty on the Owner, if ſuch Dog is not killed within a certain Time.

Not to prevent Shepherd's uſing Dogs to drive Sheep, or any Perſon uſing Dogs to drive his own Sheep.

Aſſeſſors to take an Account of Sheep, and if any Perſon has above *Fifty*, the Exceſs only to be taxed.

X. *And be it further Enacted by the Authority aforeſaid*, That the Aſſeſſors in every Town within this State, ſhall annually, when they make an Eſtimate of the perſonal Property of the Inhabitants thereof, take an Account of the Number of Sheep kept by each Inhabitant, and if ſuch Number exceeds *Fifty*, the Aſſeſſors ſhall only conſider the Exceſs as taxable Property, and ſhall rate ſuch Exceſs and no more.

Juſtices of the Peace may order Dogs, dangerous to peaceable Travellers, to be killed by the Owners.

XI. AND *whereas* Accidents are frequently occaſioned by Dogs running into the Highways and attacking Travellers: To prevent which, *Be it further Enacted by the Authority aforeſaid*, That if any Dog ſhall run out of any Perſon's Houſe or Incloſure, and ſhall attack any Perſon peaceably travelling on any Highway, or ſhall attack any Horſe in any Carriage, or on which any Perſon is mounted, and Complaint thereof be made to any Juſtice of the Peace, and if it ſhall appear to the Satisfaction of ſuch Juſtice, that ſuch Complaint is well founded, and that ſuch Dog is dangerous to Travellers, it ſhall be the Duty of ſuch Juſtice to order and direct the Owner of ſuch Dog to kill the ſame, and

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and if ſuch Owner doth not, within *Forty-eight* Hours after having received ſuch Order, kill or cauſe ſuch Dog to be killed, he or ſhe ſhall forfeit the Sum of *Twenty Shillings*, and the further Sum of *Ten Shillings* for every *Forty-eight* Hours thereafter, until ſuch Dog ſhall be killed; to be recovered and applied in the Manner directed by the eighth Section of this Act.

Penalty on Owners for Neglect.

Suits on this Act may be tried by a Jury of ſix Freeholders.

XII. *And be it further Enacted by the Authority aforeſaid*, That it ſhall and may be lawful for any Party, Plaintiff or Defendant, in any Suit to be brought by Virtue of this Act, to have ſuch Suit tried by a Jury, ſuch Jury to conſiſt of *ſix* Men, being Freeholders. *Provided always*, That this Act, except the tenth Section thereof, ſhall not extend to the County of *Richmond*.

This Act, except 10th Section, not to extend to *Richmond* County.

Former Act repealed. ‡ *8th Seſſ. Ch.* 42.

XIII. *And be it further Enacted by the Authority aforeſaid*, That the Act entitled, ‡ *An* Act *to lay a Tax on Dogs in the City of* New-York; paſſed the 21ſt Day of *March*, 1785, ſhall be, and hereby is repealed.

CHAP. XXIII.

Private.

An ACT *to make good the Pay of* Francis Cranbury.

Paſſed 13th February, 1789.

CHAP. XXIV.

An ACT *for the Relief of Debtors, with Reſpect to the Impriſonment of their Perſons.*

Paſſed 13th February, 1789.

Priſoners not to be confined longer than 30 Days, for Debts or Sums not exceeding 10l.

I. BE *it Enacted by the People of the State of* New-York, *repreſented in Senate and Aſſembly, and it is hereby Enacted by the Authority of the ſame*, That every Perſon who now is, or at any Time hereafter ſhall be, actually confined in any Gaol within this State, upon Execution, or upon any other Writ or Proceſs, or by Virtue of any Judgment or Order of any Court of Juſtice, or Warrant from any Judge, Juſtice of the Peace, or other Officer, for any Debt or Debts, Sum or Sums of Money, or Fine or Fines, Forfeiture or Forfeitures, none of which do or ſhall exceed the Sum of *Ten Pounds*, excluſive of Coſts, and ſhall have remained, or ſhall remain ſo confined in Gaol for the Space of *Thirty* Days, ſhall be diſcharged from ſuch Impriſonment; and the Sheriff, Gaoler, or Keeper of the Gaol in which ſuch Perſon is or ſhall be confined as aforeſaid, ſhall, upon Application to him by the Perſon ſo confined, diſcharge ſuch Perſon out of Cuſtody, if detained for ſuch Debt or Debts, Sum or Sums of Money, Fine or Forfeiture only, and for no other Cauſe; and no ſuch Sheriff or Gaoler ſhall be liable to any Action of Eſcape or other Suit, or Information upon Account thereof; and if any Action, Suit or Information ſhall be brought or exhibited againſt any Sheriff or Gaoler for or on Account of any ſuch Diſcharge, ſuch Sheriff or Gaoler may plead the general Iſſue, and give this Act and the ſpecial Matter in Evidence; and if the Plaintiff ſhall be non-ſuited or diſcontinue the Action, or Judgment be given for the Defendant in ſuch Action, the Defendant ſhall have treble Coſts.

Sheriffs and Gaolers to diſcharge ſuch Priſoners.

And if ſued, may plead the general Iſſue, and give this Act in Evidence; and if Judgment be for them, ſhall have treble Coſts.

Perſons diſcharged not to be arreſted again for the ſame Crime.

II. *And be it further Enacted by the Authority aforeſaid*, That no Perſon diſcharged from Impriſonment by Virtue of this Act, ſhall at any Time thereafter be impriſoned for the ſame Cauſe; and if any Perſon ſo diſcharged ſhall be arreſted for the ſame Cauſe, it ſhall be lawful for any Judge of the Court out of which the Proceſs upon which ſuch Perſon ſhall be arreſted, ſhall have iſſued, or any Juſtice of the Peace who ſhall have iſſued ſuch Proceſs, to diſcharge ſuch Perſon out of Cuſtody, ſo as ſuch Perſon do enter an Appearance, or give a Warrant to ſome Attorney to appear and plead to ſuch Action.

III. *Provided*,

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III. *Provided always, and be it further Enacted by the Authority aforesaid,* That notwithstanding such Discharge, all and every Debt and Demand against such Person so discharged, and all and every Judgment and Decree had or obtained, or to be had or obtained, against him or her, shall stand and be good and effectual in Law to all Intents and Purposes, against the Lands, Tenements, Hereditaments, Goods and Chattels of the Person so discharged, his Arms and Accoutrements excepted, which he or she or any Person or Persons for him or her had at the Time of such Discharge, or at any Time thereafter shall have or be in any wise seised or possessed of, or entitled to in Law or Equity; and it shall and may be lawful for any Creditor of such Person so discharged, at whose Suit such Person was confined at the Time of such Discharge, and for the Executors or Administrators of such Creditor, and for the Officer who ought to prosecute for any Fine or Forfeiture, for which such Person so discharged was imprisoned, to take out, sue and prosecute, at any Time or Times after such Discharge, a new Execution or other Process for the Recovery of such Debt or Debts, Sum or Sums of Money, Fine or Forfeiture, with the Costs for which such Person was so imprisoned at the Time of such Discharge, against the Lands and Tenements, Goods and Chattels of such Person so discharged, his Arms and Accoutrements excepted, in such Sort, Manner and Form, as might have been done if such Person had never been taken in Execution, or committed for such Debt or Debts, Sum or Sums of Money, Fine or Forfeiture; and in Case no Judgment is or shall be obtained by such Creditor against such Person so discharged, at the Time of such Discharge, then it shall be lawful for such Creditor to continue and prosecute his or her Action to Judgment, and to bring and prosecute any other Action or Suit for the Recovery of the said Debt or Debts, or Sum or Sums of Money, and to take out such Execution for the Sum so recovered, with the Costs, against the Lands and Tenements, Goods and Chattels of the Person so discharged, his Arms and Accoutrements excepted, as he might heretofore have done: But the Person of such Debtor so discharged, shall not be imprisoned by Virtue of any such Execution, Judgment or Proceeding, for the Recovery of any such Debt or Debts, Sum or Sums of Money, Fine or Forfeiture, or the Costs thereof.

All Debts, Demands, Judgments, and Decrees against Persons discharged, to be good against their Lands, Tenements, Goods, and Chattels, except Arms and Accoutrements.

And Creditors may prosecute a new Execution against the Lands, Tenements, Goods, and Chattels of the Person so discharged;

And if no Judgment was obtained at the Time of such Discharge, how the Creditor may proceed.

But the Person of such Debtor not to be imprisoned.

IV. *And be it further Enacted by the Authority aforesaid,* That from and after the first Day of *February*, which will be in the Year of our Lord One Thousand Seven Hundred and Ninety, if any Person shall be charged in Execution for any Sum or Sums of Money, not exceeding in the whole the Sum of *Two Hundred Pounds*, or on which Execution or Executions there shall at any Time remain due, as shall be made appear by Oath, a Sum or Sums of Money, not amounting to above the said Sum of *Two Hundred Pounds*, and shall be minded to deliver up to his or her Creditor or Creditors, who shall so charge him or her in Execution, all his or her Estate and Effects, for or towards the Satisfaction of the Debt or Debts wherewith he or she shall so stand charged, it shall and may be lawful to and for every such Prisoner, at any Time after he or she shall be charged in Execution by his or her Creditor or Creditors, to exhibit a Petition to the Court from whence the Process issued, upon which such Prisoner was taken or charged in Execution, or to the Court into which any such Prisoner shall be removed by *Habeas Corpus*, or shall be charged in Custody and shall remain in the Prison thereof, certifying the Cause or Causes of his or her Imprisonment, and not only setting forth in every such Petition, a just and true Account of all the real and personal Estate which he or she so petitioning, or any Person or Persons in Trust for him or her, is or are, or was or were entitled to, at the Time of his or her so petitioning, and of all Incumbrances and Charges, if any there be, affecting any such real or personal Estate of the Person so petitioning, but also a just and true Account of all the real and personal Estate which any such Prisoner, or any Person or Persons in Trust for him or her, or for his or her Use, was

How and when Persons charged in Execution for any Sum, not exceeding 200l. may proceed to obtain a Discharge from Imprisonment.

To exhibit a Petition to the Court.

Matter of such Petition.

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or were intereſted in or entitled to, at the Time of his or her firſt Impriſonment, in the Action in which ſuch Perſon ſhall be ſo charged in Execution, either in Poſſeſſion, Reverſion, Remainder or Expectancy, to the Beſt of the Belief of every ſuch Priſoner, and ſo far as his or her Knowledge extends concerning the ſame; and likewiſe a juſt and true Account of all Securities wherein any Part of the Eſtate of any ſuch Priſoner may conſiſt, and of all the Deeds, Evidences, Writings, Books, Bonds, Notes and Papers concerning the ſame or relating thereto, and the Names and Places of Abode of the Witneſſes to all ſuch Securities, Bonds or Notes, and where they are reſpectively to be met with, ſo far as his or her Knowledge extends concerning the ſame; and before any ſuch Petition from any ſuch Priſoner ſhall be received by any ſuch Court, every ſuch Priſoner ſhall give or leave, or cauſe to be given or left unto and for all and every Creditor or Creditors, at whoſe Suit any ſuch Priſoner ſhall ſtand charged in Execution as aforeſaid, or his, her or their Executors or Adminiſtrators, and at his, her or their uſual Place of Abode, or to, or for his, her or their Attorney or Agent laſt employed in any ſuch Action, Suit, Cauſe or Cauſes, in Caſe any ſuch Creditor or Creditors, his, her or their Executors or Adminiſtrators cannot be met with, but not otherwiſe, *fourteen* Days at leaſt before any ſuch Petition ſhall be preſented and received, a Notice in Writing, ſigned with the proper Name or Mark of every ſuch Priſoner, importing therein that ſuch Priſoner or Priſoners as aforeſaid, doth or do intend to petition the Court from whence the Proceſs iſſued, upon which he, ſhe or they ſtand charged in Execution, or into which any ſuch Priſoner or Priſoners ſhall have been removed by *Habeas Corpus*, or ſhall ſtand charged in Execution, on any Judgment recovered on any Bill or Declaration filed or delivered in ſuch Court; and alſo ſetting forth in every ſuch Notice or Writing, a true Copy of the Account or Schedule, including the whole real and perſonal Eſtate of the Perſon ſo deſigning to petition, which he or ſhe doth intend to deliver to ſuch Court (other than, and except his Arms and Accoutrements, and the neceſſary wearing Apparel, and Bedding of ſuch Priſoner, and his or her Family, and the Tools or Inſtruments of his or her Trade or Calling, not exceeding *Twenty Pounds* in Value in the whole) and an Affidavit of the due Service of every ſuch Notice, ſhall be delivered, with every ſuch Petition, at the Time of preſenting thereof, and openly read in the Court, to which ſuch Petition ſhall be addreſſed, and if ſuch Court ſhall thereupon be ſatisfied of the Regularity of every ſuch Notice, ſuch Petition ſhall be received, and the Court ſhall thereupon, by Rule or Order of the ſame Court, cauſe every ſuch Priſoner ſo petitioning, to be brought up to ſuch Court, on ſome certain Day in ſuch Rule or Order to be ſpecified; and the Creditor, or ſeveral Creditors, at whoſe Suit any ſuch Priſoner ſhall ſtand charged in Execution as aforeſaid, his, her or their Executors or Adminiſtrators, to be ſummoned to appear perſonally, or by his, her or their Attorney, in ſuch Court, at ſome certain Day to be ſpecified in ſuch Rule or Order for that Purpoſe; and if any Creditor or Creditors of any ſuch Priſoner, who ſhall be ſo ſummoned, his, her or their Executors or Adminiſtrators, ſhall appear in Perſon, or by his, her or their Attorney, or if any ſuch Creditor or Creditors, his, her or their Executors or Adminiſtrators, ſhall refuſe or neglect to appear in Perſon, or by his, her or their Attorney, then, upon Affidavit of the due Service of ſuch Rule or Order on him, her or them, or his, her or their Attorney, if any ſuch Creditor or Creditors, his, her or their Executors or Adminiſtrators, cannot be met with, ſuch Court ſhall, in a Summary Way, examine into the Matter of every ſuch Petition, and hear what ſhall or can be alledged on either Side, for and againſt the Diſcharge of any ſuch Priſoner or Priſoners who ſhall ſo petition, and upon ſuch Examination, every ſuch Court is hereby required to adminiſter or tender to the Priſoner or Priſoners reſpectively, who ſhall ſo petition and give ſuch previous Notice thereof as herein before is directed, an Oath to the Effect following, *That is to ſay;* I ——

Notice thereof to be given to the Creditors at leaſt 14 Days before the Preſentment of the Petition.

Affidavit to be produced of the Service of ſuch Notice.

Court, on receiving the Petition, to order the Priſoner to be brought up, and the Creditors to be ſummoned to appear on a certain Day.

And on Appearance or Default of the Creditors, the Court in a ſummary Way to examine into the Matter of ſuch Petition, and adminiſter an Oath to the Priſoner.

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Form of the Oath.

I —— ——, *do ſwear, That the Account by me ſet forth in my Petition preſented to this honourable Court, doth contain a true and full Account of all the Eſtate, Debts, Credits and Effects whatſoever, which I or any in Truſt for me at the Time of my firſt Impriſonment in this Action, or at any Time ſince had, or was in any Reſpect entitled to, in Poſſeſſion, Reverſion, Remainder or Expectancy, except the Arms and Accoutrements, and Wearing Apparel and Bedding of or for me and my Family* (if ſuch Priſoner hath any Family) *and the Tools or Inſtruments of my Trade or Calling, not exceeding* Twenty Pounds *in Value in the Whole; and alſo an Account how much of my Eſtate, Debts, Credits or Effects hath ſince been diſpoſed of, releaſed or diſcharged, and how, to whom and on what Conſideration, and for what Purpoſe, and how much thereof I or any Perſon or Perſons in Truſt for me have, or at the Time of preſenting my ſaid Petition to this honourable Court had, or which I am or was, or any Perſon or Perſons in Truſt for me, or for my Uſe, is any Ways intereſted in, or intitled to, in Poſſeſſion, Reverſion, Remainder or Expectancy; and alſo a true Account of all Deeds, Writings, Securities, Bonds, Notes, Books and Papers relating thereto, and where the ſame now are, to the Beſt of my Knowledge and Belief, and what Charges are now affecting the real Eſtate I am now ſeized of or entitled to* (if ſuch Priſoner hath any real Eſtate) *and that I have not at any Time before or ſince my Impriſonment, directly or indirectly ſold, leaſed, aſſigned, mortgaged, pawned or otherwiſe diſpoſed of or made over, in Truſt for myſelf, or any other Perſon, otherwiſe than is mentioned in ſuch Account, any Part of my Meſſuages, Lands, Tenements, Eſtates, Goods, Stock-money, Debts, or other real and perſonal Eſtate, whereby to have or accept any Benefit, Advantage or Profit to myſelf or my Family, or with any View, Deſign or Intent to deceive, injure or defraud any of my Creditors to whom I am indebted.*

On taking the Oath, the Court may order an Aſſignment of the Debtor's Eſtate to be made, by a ſhort Indorſement on the Petition, for the Benefit of the Creditors, who have charged him in Execution.

Subject to prior Incumbrances.

Such Aſſignment to veſt the Eſtate in the Aſſignees, who may take Poſſeſſion of, and recover the ſame in their own Names.

Upon making ſuch Aſſignment, the Priſoner to be diſcharged out of Cuſtody.

And in Caſe any Priſoner as aforeſaid ſhall, in open Court, take the ſaid Oath, ſuch Court, in which any ſuch Oath as aforeſaid ſhall be taken, may then immediately order the Meſſuages, Lands, Tenements, Goods and Effects contained in ſuch Account, or ſo much of them as may be ſufficient to ſatisfy the Debt or Debts wherewith ſuch Priſoner ſhall ſtand charged in Execution, and the Fees due to the Sheriff or Keeper of the Gaol, or Priſon from which ſuch Priſoner was brought, to be by a ſhort Indorſement on the Back of ſuch Petition, and to be ſigned by the Priſoner, aſſigned and conveyed to the Creditor, or Creditors, if more than one, who ſhall have charged ſuch Priſoner in Execution, or to ſome or one of them, or to ſome other proper Perſon or Perſons, as ſuch Court ſhall order and direct, and to his, her or their Heirs, Executors, Adminiſtrators and Aſſigns, for the Benefit of him, her or them, who ſhall have ſo charged ſuch Priſoner in Execution, ſubject nevertheleſs to all prior Incumbrances affecting the ſame; and the Eſtate, Intereſt and Property of all Meſſuages, Lands, Tenements, Goods, Debts, Eſtates and Effects which ſhall belong to any ſuch Priſoner, ſhall, by ſuch Aſſignment and Conveyance as aforeſaid, be veſted in the Perſon or Perſons to whom any ſuch Aſſignment or Conveyance ſhall be made, according to the Eſtate and Intereſt ſuch Priſoner had therein, and the Perſon or Perſons to whom any ſuch Aſſignment and Conveyance ſhall be made, ſhall and may take Poſſeſſion of all ſuch Eſtate and Effects, and ſue in his, her or their Name or Names, for the Recovery thereof; and no Releaſe of any ſuch Priſoner, his or her Executors or Adminiſtrators, or any Truſtee for him or her, ſubſequent to ſuch Aſſignment or Conveyance, ſhall be pleadable or be allowed of in Bar of any Action or Suit which ſhall be commenced by any ſuch Aſſignee or Aſſignees, of any ſuch Priſoner, for the Recovery of any of his or her Eſtate or Effects; and upon every ſuch Aſſignment and Conveyance being executed by any ſuch Priſoner, he or ſhe ſhall be diſcharged out of Cuſtody, by Rule or Order of ſuch Court, and a certified Copy of ſuch Rule or Order being produced to, and left with any Sheriff or Gaoler, ſhall be a ſufficient Warrant

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Warrant to him to diſcharge every ſuch Priſoner, if charged in Execution, or detained for the Cauſe mentioned in his or her Petition, and no other; and every ſuch Sheriff or Gaoler is hereby required, on having ſuch Order produced to him, and a Copy thereof left with him, to diſcharge and ſet at Liberty forthwith, every ſuch Priſoner who ſhall be ordered as aforeſaid to be ſo diſcharged, without taking any Fee, or detaining him or her in Reſpect of any Demand of any ſuch Sheriff or Gaoler, for or on Account of Chamber-Rent, Lodging or otherwiſe, or for or in Reſpect of any Fees theretofore claimed, or due to any ſuch Sheriff or Gaoler, or to any employed by or under either of them: And no ſuch Sheriff or Gaoler ſhall afterwards be liable to any Action of Eſcape, or other Suit or Information on that Account, or for what he ſhall do in Purſuance of this Act; and the Perſon or Perſons to whom the Eſtate and Effects of any ſuch Priſoner ſhall be aſſigned and conveyed as aforeſaid, ſhall, with all convenient Speed, ſell and diſpoſe of the Eſtate and Effects of every ſuch Priſoner, which ſhall be ſo aſſigned and conveyed, and divide the net Produce of all ſuch Eſtates and Effects amongſt the Creditors of ſuch Priſoner, if more than one, who ſhall have charged ſuch Priſoner in Execution, before the Time of his or her Petition to be diſcharged ſhall have been preſented, firſt paying the Fees of the Sheriff or Gaoler in whoſe cuſtody ſuch Priſoner then was; and if any Overplus ſhall remain of any ſuch Priſoner's Eſtate, after Payment of the Sum or Sums, for which ſuch Priſoner ſtood charged in Execution, as aforeſaid, at the Time he or ſhe was ſo diſcharged, and the Fees then due to the Sheriff or Gaoler, and all reaſonable Charges expended in or by Means of getting in ſuch Eſtate and Effects, and ſuch Sums as may have been paid by ſuch Creditor or Creditors, for the Maintenance of ſuch Priſoner while in Gaol, the ſame ſhall be paid to ſuch Priſoner, his or her Executors, Adminiſtrators or Aſſigns. But in Caſe the Perſon or Perſons at whoſe Suit any ſuch Priſoner ſhall ſtand charged in Execution, as aforeſaid, ſhall not be ſatisfied with the Truth of any ſuch Priſoner's Oath, and ſhall either perſonally, or by his, her or their Attorney, (if he, ſhe or they cannot perſonally attend, and proof be made thereof to the Satisfaction of ſuch Court,) deſire further Time to inform him, her or themſelves of the Matters contained therein, ſuch Court may remand any ſuch Priſoner, and direct him or her, and the Perſon or Perſons diſſatisfied as aforeſaid, with ſuch Oath, to appear either in Perſon, or by his, her or their Attorney, on ſome other Day, to be appointed by ſuch Court ſome Time at fartheſt within the *firſt* Week of the Term next following the Time of ſuch Examination, but ſooner if any ſuch Court ſhall ſo think fit; and all Objections which ſhall be made, as to the Inſufficiency in Point of Form againſt any Priſoner's Schedule of his Eſtate and Effects, ſhall be only made the firſt Time ſuch Priſoner ſhall be brought up; and if at ſuch ſecond Day, which ſhall be appointed, the Creditor or Creditor, diſſatisfied with ſuch Oath, ſhall make default in appearing in Perſon, or by his, her or their Attorney, or in Caſe he, ſhe or they ſhall appear, if he, ſhe or they ſhall be unable to diſcover any Eſtate or Effects of the Priſoner, omitted in the Account ſet forth in his or her Petition, then, and in any ſuch Caſe, ſuch Court ſhall, by Rule or Order thereof, immediately cauſe the ſaid Priſoner to be diſcharged, upon ſuch Priſoner's executing ſuch Aſſignment or Conveyance of his or her Eſtate and Effects in the Manner herein before directed; unleſs ſuch Creditor or Creditors who ſhall have charged ſuch Priſoner in Execution as aforeſaid, his, her or their Executors or Adminiſtrators, doth or do inſiſt upon ſuch Priſoner being detained in Goal, and ſhall agree, by Writing ſigned with his, her or their Name or Names, Mark or Marks, or under the Hand of his, her or their Attorney, in Caſe any ſuch Creditor or Creditors, his, her or their Executors or Adminiſtrators ſhall be out of this State, to pay and allow weekly a Sum not exceeding *Four Shillings*, as ſuch Court ſhall think fit, unto the ſaid Priſoner, to be paid every

Sheriff or Gaoler, to diſcharge ſuch Priſoner without Fees.

Aſſignees to ſell and diſpoſe of the Eſtate, and divide the net Produce among the Creditors, firſt paying the Fees of the Sheriff or Gaolor.

Overplus, if any, to be paid to ſuch Priſoner, or his Repreſentatives.

If Creditors are not ſatisfied with the Truth of the Priſoner's Oath, and deſire further Time to inform themſelves, the Court to remand the Priſoner, and appoint a Day for the Parties to appear.

All Objections as to Form, to be made when the Priſoner is firſt brought up.

If at the Day appointed the diſſatisfied Creditors do not appear, or be unable to diſcover any Eſtate or Effects of the Priſoner, omitted in his Account, the Court to cauſe ſuch Priſoner to be diſcharged on executing ſuch Aſſignment of his Eſtate.

Unleſs the Creditor inſiſts on his being detained, and agree by Writing to pay ſuch Priſoner weekly, ſuch Sum as the Court ſhall think fit, not exceeding 4*s*. a Week.

To be paid every *Monday*.

every Monday in every Week, ſo long as ſuch Priſoner ſhall continue in Gaol, in Execution at the Suit of ſuch Creditor or Creditors; and in every ſuch Caſe, every ſuch Priſoner ſhall be remanded to the Gaol from whence he or ſhe was ſo brought up, there to continue in Execution. But if any Failure ſhall at any Time be made in the Payment of the weekly Sum, which ſhall be ordered by any ſuch Court to be paid to any ſuch Priſoner, ſuch Priſoner, upon Application, in Term Time, to the Court from whence the Proceſs iſſued, upon which ſuch Priſoner was taken and charged in Execution, or to the Court by which ſuch Priſoner ſhall ſtand committed, or in Vacation Time, to any Judge of ſuch Court, may, by the Order of ſuch Court or Judge, be diſcharged out of Cuſtody on every ſuch Execution, Proof being made before ſuch Court or Judge, of the Non-Payment, for any Week, of the Sum of Money ordered and agreed to be weekly paid; but every ſuch Priſoner, before he or ſhe ſhall be ſo diſcharged out of Cuſtody, by any ſuch Rule or Order, ſhall execute an Aſſignment and Conveyance of his or her Eſtate and Effects, in the Manner herein before directed; and if any Priſoner who ſhall petition or apply for his or her Diſcharge under this Act, ſhall refuſe to take the ſaid Oath herein before directed to be taken, or taking the ſame, ſhall afterwards be detected, before any ſuch Court or Judge, of Falſity therein, or ſhall refuſe to execute ſuch Aſſignment or Conveyance of his or her Eſtate and Effects as aforeſaid, every ſuch Priſoner ſhall be preſently remanded, and continue in Execution.

And in ſuch Caſe, the Priſoner ſhall be remanded and continue in Execution.

On Failure of Payment, the Priſoner to be diſcharged out of Cuſtody, on making an Aſſignment in Manner before directed.

Priſoners refuſing to take the Oath, or being detected of Falſity therein, or refuſing to execute ſuch Aſſignment, to be remanded, and continue in Execution.

V. *Provided always, and be it further Enacted by the Authority aforeſaid*, That where two or more Creditors ſhall charge any Priſoner in Execution, and ſhall deſire to have ſuch Priſoner detained in Priſon, each and every ſuch Creditor and Creditors ſhall only reſpectively pay ſuch weekly Sum of Money, not exceeding *Two Shillings* and *Six-Pence* a Week each, on every Monday in every Week, to or for ſuch Priſoner, as the Court before whom any ſuch Priſoner ſhall be brought to be diſcharged, ſhall, at the Time of his or her being remanded, on ſuch Note for the Payment of the weekly Sum ordered to be paid being given, direct or appoint.

Where ſeveral Creditors deſire a Priſoner to be continued in Execution, each of them ſhall pay ſuch weekly Sum as the Court ſhall direct, not exceeding 2*s*. 6*d*. a Week.

VI. *And be it further Enacted by the Authority aforeſaid*, That from and after the firſt Day of *May* next, where any Priſoner ſhall be taken or charged in Execution in any Action or Suit in the Supreme Court, or on any *Habeas Corpus*, and be in any Gaol in any County, other than the County in which the ſaid Supreme Court ſhall ſit, whereon there ſhall at any Time be due a Sum not exceeding *Two Hundred Pounds*, then, upon Petition being made by any ſuch Priſoner, to the ſaid Supreme Court, in the like Form and Manner as the Petitions herein before mentioned of Priſoners, are directed to be made, and on Affidavit, to the Purport as Affidavits are herein before directed to be made, being made and produced to the Supreme Court, the ſaid Supreme Court, on being ſatisfied with the Truth of ſuch Affidavit, is hereby authoriſed and required to make a Rule or Order to cauſe the Priſoner ſo petitioning, to be brought to the next Circuit Court which ſhall be holden in and for the County where ſuch Priſoner ſhall be impriſoned; and the Expence of bringing every ſuch Priſoner to any ſuch Circuit Court, not exceeding *One Shilling* a Mile, ſhall be paid to the Sheriff or Officer who ſhall bring ſuch Priſoner to ſuch Circuit Court, in Obedience to any ſuch Rule or Order as aforeſaid, out of ſuch Priſoner's Eſtate or Effects, if the ſame ſhall be ſufficient to pay ſuch Expence; and if not, then ſuch Expence ſhall be paid by the Treaſurer of the County where ſuch Priſoner ſhall be impriſoned, out of the Monies raiſed or to be raiſed for the contingent Charges of ſuch County, as the ſame ſhall be allowed, ordered and directed by the ſame Supreme Court, or the Judge or Judges who ſhall hold ſuch Circuit Court; and the Creditor or Creditors, if there be more than one, his, her or their Executors or Adminiſtrators

How ſuch Priſoners in Execution on Proceſs out of the Supreme Court, and being in Gaol in any County where the Supreme Court does not ſit, are to proceed to obtain their Diſcharge out of Cuſtody.

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ſtrators, at whoſe Suit any ſuch Priſoner ſhall ſtand charged in Execution as aforeſaid, ſhall, by Rule or Order of the ſaid Supreme Court, be ſummoned to appear at the ſaid Circuit Court, if ſuch Creditor or Creditors, his, her or their Executors or Adminiſtrators, can be met with, and if not, then the Attorney laſt employed for ſuch Creditor or Creditors, ſhall be ſummoned to appear there; and a Copy of every ſuch Rule or Order ſhall be ſerved on every ſuch Creditor or Creditors, his, her or their Executors or Adminiſtrators, or be left at his, her or their Dwelling-Houſe, or uſual Place of Abode, or with his, her or their Attorney laſt employed as aforeſaid, *fourteen* Days at leaſt before the holding of ſuch Circuit Court and on an Affidavit of ſuch Service thereof being laid before ſuch Circuit Court as aforeſaid, the ſame Court, on being ſatisfied with the Truth of ſuch Affidavit, is hereby required to appoint a Time for hearing the Matter upon every ſuch Petition as aforeſaid, on ſome certain Day and Time during the holding of ſuch Circuit Court; and upon the Appearance there of the Creditor or Creditors ſo ſummoned, his, her or their Executors or Adminiſtrators, in Perſon, or by Attorney, or in Default of the Appearance in Perſon, or by Attorney, of the Party or Parties who ſhall have been ſummoned ſo to appear, then on Proof of his, her or their being duly ſerved with the Notice hereby required to be given, and a Copy of the Account of the real and perſonal Eſtate of the Priſoner deſiring to be diſcharged, being compriſed in ſuch Notice, and alſo of the Rule of the ſaid Supreme Court, for his, her or their Appearance at ſuch Circuit Court, having been duly ſerved as herein before is directed, the ſaid Circuit Court ſhall then, in a ſummary Way, examine into the Matter of every ſuch Petition, and hear what can or ſhall be alledged on either Side for or againſt the Diſcharge of every ſuch Priſoner ſo petitioning; and upon every ſuch Examination ſuch Circuit Court is hereby empowered and required to adminiſter, or tender to every ſuch Priſoner, the ſame Oath as herein before is directed and appointed to be taken by ſuch Priſoner; and ſuch Circuit Court is hereby authoriſed and required to make ſuch Order in the Premiſes, as to the ſame Court ſhall ſeem meet, and to proceed in the ſame Manner concerning the Diſcharge of every ſuch Priſoner, and to give the ſame Judgment, Relief and Directions relating thereto, as any Court out of which any Proceſs ſhall iſſue againſt any ſuch Priſoner as aforeſaid, is herein before empowered and directed to do; and every Order which ſhall be made in the Premiſes by any ſuch Circuit Court, ſhall be as valid and effectual as if the ſame had been made in the Court out of which the Proceſs iſſued, on which any ſuch Priſoner was charged in Execution, and the ſame ſhall be made a Record of the Proceedings at ſuch Circuit Court; and a Copy thereof ſigned by the Judge or Judges who ſhall hold ſuch Circuit Court, ſhall from thence be tranſmitted to the ſaid Supreme Court, to be a Record of the ſaid Supreme Court, and to be kept as ſuch amongſt the other Records thereof.

Perſons taking any Oath required by this Act, convicted of Perjury, how to be puniſhed.

VII. *And be it further Enacted by the Authority aforeſaid*, That if any Perſon who ſhall take any Oath by this Act required to be taken, ſhall, upon any Indictment for Perjury, be convicted by his or her own Confeſſion, or by Verdict of twelve lawful Men, every Perſon ſo convicted, ſhall ſuffer the Pains and Forfeitures which by Law are to be inflicted on any Perſon guilty of wilful and corrupt Perjury; and ſhall likewiſe, if diſcharged out of Execution by Virtue of this Act, be liable to be taken on any Proceſs *de Novo*, and charged in Execution for the ſaid Debt, in the ſame Manner as if he or ſhe had not been diſcharged, or had not been taken and charged in Execution before, and ſhall never after have the Benefit of this Act; any Thing herein before contained to the Contrary notwithſtanding.

Priſoners diſcharged, not to be arreſted for

VIII. *And be it further Enacted by the Authority aforeſaid*, That no Priſoner who ſhall be ſo diſcharged by Virtue of this Act on ſuch Petition as aforeſaid, ſhall

ſhall ever after be arreſted for the ſame Debt or Debts, nor ſhall any Action of Debt be brought againſt him or her, on any ſuch Judgment, unleſs he or ſhe ſhall, under this Act, be convicted of wilful Perjury; but notwithſtanding any Diſcharge obtained by Virtue of this Act, for the Perſon of any ſuch Priſoner, the Judgment obtained againſt every ſuch Priſoner, ſhall continue and remain in Force, and Execution may at any Time be taken out thereon againſt the Lands, Tenements, Goods and Chattels of any ſuch Priſoner, other than and except the neceſſary Wearing Apparel and Bedding for him or her, and his or her Family, and the neceſſary Tools for the Uſe of his or her Trade or Occupation, not exceeding *Twenty Pounds* in Value in the whole, as if he or ſhe had never before been taken or charged in Execution, and releaſed out of Priſon by Virtue of or under this Act.

the ſame Debts, unleſs convicted of Perjury.

But Execution may at any Time be taken againſt their Lands and Goods.

IX. *And be it further Enacted by the Authority aforeſaid*, That all and every Aſſignee and Aſſignees, to whom, by Virtue of this Act, the Eſtate or Effects of any Priſoner ſhall be aſſigned and conveyed, is and are hereby empowered to make Compoſition with any Debtor or Accountant to ſuch Priſoner, where the ſame ſhall appear neceſſary or reaſonable, and to take ſuch Part of any Debt or Demand as can, upon ſuch Compoſition, be gotten, in full Diſcharge of ſuch Debt or Demand; and alſo to ſubmit any Difference or Diſpute concerning any Part of ſuch Priſoner's Eſtate or Effects, or by Reaſon or Means of any Matter, Cauſe or Thing relating thereto, or to ſuch Priſoner, or in Reſpect of any Debt or Sum of Money, or other Thing claimed to be due or belonging to ſuch Priſoner, at the Time of his or her Diſcharge, to the final End and Determination of Arbitrators to be choſen by the ſaid Aſſignee or Aſſignees, and the Party or Parties with whom any ſuch Difference or Diſpute ſhall be; and if ſuch Arbitrators cannot agree in the ſame, then to ſubmit the ſame to the Determination of any Umpire to be choſen by them, or otherwiſe to ſettle and agree the Matter in Difference or Diſpute between them, in ſuch Manner as ſuch Aſſignee or Aſſignees ſhall think fit and can agree; and the ſame ſhall be binding to all the ſaid Priſoner's Creditors as aforeſaid, who ſhall have charged him or her in Execution, and alſo to every ſuch Priſoner; and every ſuch Aſſignee and Aſſignees is and are hereby indemnified for what he or they ſhall fairly, and without any fraudulent Deſign, do in the Premiſes according to the Directions of this Act.

Aſſignees may compound with Debtors of ſuch Priſoner, and ſubmit Diſputes with them to Arbitration.

X. AND to the Intent that the Eſtates and Effects of every ſuch Priſoner who ſhall be diſcharged by Virtue of this Act, may be truly and fairly applied; *Be it further Enacted by the Authority aforeſaid*, That it ſhall be lawful for the reſpective Courts out of which the Proceſs iſſued, upon which any ſuch Priſoner ſo diſcharged was committed in Execution, or any Judge of any ſuch Court, and for the Supreme Court, or any Judge thereof, in all Caſes, and at any Time or Times, on the Petition of any Creditor or Creditors, who had charged any ſuch Priſoner in Execution; or of any ſuch Priſoner, to ſuch Court, or to any Judge thereof, complaining of any Inſufficiency, Fraud, Miſmanagement, or other Miſbehaviour of any ſuch Aſſignee or Aſſignees, to order the reſpective Parties concerned, to attend ſuch Court, on the Matter of every ſuch Petition, at ſome certain Time, in ſuch Order to be mentioned; and every ſuch Court, on hearing the Parties concerned therein, is hereby authoriſed to make ſuch Order and give ſuch Directions in the Premiſes, either for the Removal or diſplacing of ſuch Aſſignee or Aſſignees, and appointing any new or other Aſſignee or Aſſignees, in the Place or Stead of ſuch Aſſignee or Aſſignees ſo to be removed or diſplaced; or for the prudent, juſt or equitable Management or Diſtribution of the ſaid Eſtate and Effects, or any Part thereof, for the Benefit of the reſpective Creditors as aforeſaid, of ſuch Priſoner, as ſuch Court ſhall think fit; and in Caſe of the Removal or Diſplacing of any Aſſignee or Aſſignees, and the appointing any new

Court on Complaint of any Creditors or Priſoner againſt the Aſſignees, to ſummon the Parties, and give Direction in the Premiſes.

And may remove the Aſſignees, and appoint others.

In Caſe of ſuch Removal, the Eſtate to be delivered to, and

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new Aſſignee or Aſſignees, the Eſtates and Effects of ſuch Priſoner, ſhall from thenceforth be diveſted out of the Aſſignee or Aſſignees ſo removed or diſplaced, and be veſted in and delivered over to ſuch new Aſſignee or Aſſignees, in the ſame Manner and for the like Intents and Purpoſes, as the ſame were before veſted in the former Aſſignee or Aſſignees.

ſhall veſt in the new Aſſignees.

XI. *And be it further Enacted by the Authority aforeſaid*, That where mutual Credit ſhall have been given between any Priſoner who ſhall be diſcharged under this Act, and any other Perſon or Perſons, Bodies politic or corporate, before the Delivery of any Schedule or Inventory of the Eſtate and Effects of ſuch Priſoner, upon Oath, as by this Act is directed, then, and in every ſuch Caſe, the reſpective Aſſignee or Aſſignees of ſuch Priſoner, ſhall have Power, and is and are hereby required, on his and their Part and Parts, to ſtate and allow an Account between them, and nothing more ſhall be deemed to be veſted by any Aſſignment or Conveyance which ſhall be made by Virtue of this Act, as the Eſtate or Effects of ſuch Priſoner, than what ſhall appear to have been due and to be juſtly coming to him or her, on or for the Balance of ſuch Account, when truly ſtated.

Where mutual Credit has been given between ſuch Priſoner and others, the Aſſignees to ſtate an Account, and only the Balance due to the Priſoner deemed to be veſted in them.

XII. *And be it further Enacted by the Authority aforeſaid*, That if any Plaintiff ſhall, at any Time after the firſt Day of *May* next, obtain Judgment in any Court of Record, in any Action againſt any Defendant in Cuſtody of any Sheriff or other Officer, either upon the Proceſs in the ſame Action, or upon being ſurrendered in Diſcharge of the Bail, or otherwiſe, and ſhall not charge ſuch Defendant ſo remaining a Priſoner, in Execution, within *three* Months next after ſuch Judgment obtained, then ſuch Defendant ſo remaining in Priſon may be diſcharged out of Cuſtody, by a *Superſedeas* to be allowed by one of the Judges of the Court in which ſuch Judgment ſhall be obtained; and where any Defendant ſhall be ſurrendered in Diſcharge of his or her Bail, after Judgment obtained againſt ſuch Defendant, and be thereupon committed to Gaol, and the Plaintiff ſhall not charge ſuch Defendant ſo ſurrendered and remaining in Gaol in Execution, within *three* Months next after ſuch ſurrender, ſuch Defendant remaining in Priſon may be diſcharged out of Cuſtody, by a *Superſedeas* to be allowed by one of the Judges of the Court in which ſuch Judgment ſhall be obtained.

Priſoners not charged in Execution in *three* Months after Judgment, may be diſcharged by Superſedeas.

Priſoners ſurrendered and committed in Diſcharge of Bail after Judgment, and not charged in Execution, within *three* Months after the Surrender, may be diſcharged by Superſedeas.

XIII. *And be it further Enacted by the Authority aforeſaid*, That where any Perſon ſhall be confined or charged in Execution on or after the ſaid firſt Day of *May* next, for any Debt or Damages not exceeding the Sum of *Two Hundred Pounds*, beſides Coſts, and ſhall have ſo remained in Execution for the Space of *three* Months, then any Creditor at whoſe Suit ſuch Perſon ſhall have been ſo charged in Execution, and his or her Executors or Adminiſtrators, is and are hereby authoriſed and empowered, by Notice in Writing, ſigned with the Name or Mark of ſuch Creditor, his or her Executors or Adminiſtrators, or his, her or their Attorney, to require the ſaid Priſoner to exhibit ſuch Account, and make ſuch Aſſignment, as are herein before directed, and in all other Reſpects to comply with the Directions of this Act, as if he or ſhe had voluntarily petitioned in the Manner herein before preſcribed; and if ſuch Priſoner ſhall not thereupon, as ſoon as may be after the Expiration of *thirty* Days from the Time that ſuch Notice ſhall have been ſerved upon him or her, take ſuch Meaſures as are herein before directed to be purſued, in Order to entitle him or her to a Diſcharge or Allowance by Virtue of this Act, ſuch Priſoner ſhall be forever barred and precluded from any Diſcharge or Allowance, which he or ſhe might otherwiſe be entitled to upon a Compliance with the Directions herein before contained.

Any Creditor, at whoſe Suit any Perſon ſhall have been charged, and remained in Execution for *three* Months, for any Sum not exceeding 200 *l.* beſides Coſts, may, by Notice in Writing, require ſuch Priſoner to exhibit ſuch Account, and make ſuch Aſſignment as before directed.

And if ſuch Priſoner ſhall not thereupon take the neceſſary Meaſures to entitle him to a Diſcharge or Allowance, he ſhall be barred therefrom.

XIV. *And be it further Enacted by the Authority aforeſaid*, That this Act, with Reſpect to Perſons charged in Execution for any Sum or Sums of Money not

This Act to extend as well to Priſoners committed after firſt

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not exceeding in the whole, the Sum of *Two Hundred Pounds*, ſhall be conſtrued to extend as well to Priſoners who ſhall be committed to Gaol after the ſaid firſt Day of *February*, as to Priſoners who ſhall be in Gaol on the ſaid firſt Day of *February*, which will be in the Year One Thouſand Seven Hundred and Ninety.

February, 1790, as to thoſe in Gaol on that Day.

XV. *And be it further Enacted by the Authority aforeſaid*, That no Perſon having a Family, not being a Freeholder within this State, ſhall be impriſoned or committed to Gaol upon any Execution to be iſſued by Virtue of the Act, entitled, ‡ *An* Act *for the more ſpeedy Recovery of Debts to the Value of Ten Pounds*, for any Debt, Damages or Coſts, for or upon any Contract, Matter, Cauſe or Thing, to be made, happen, or be done after the firſt Day of *May* next; and that on every Execution to be iſſued in ſuch Caſe, the Officer to whom the ſame ſhall be directed, ſhall be commanded to levy the Debt, or Damages and Coſts, of the Goods and Chattels of the Perſon againſt whom the ſame ſhall be granted, his Arms and Accoutrements excepted, and to bring the Money, at a certain Time and Place, before the Juſtice who iſſues ſuch Execution, to render to the Party who recovered the ſame; and if no Goods or Chattels ſhall be found, or not ſufficient to ſatisfy ſuch Execution, the Party recovering the Judgment may, from Time to Time, renew ſuch Execution, or have further Execution againſt the Goods and Chattels of the Party againſt whom ſuch Judgment is recovered, or may bring an Action of Debt thereon, but ſhall not have any Execution againſt the Body of ſuch Defendant for any ſuch Debt or Damages.

No Perſon having a Family, not being a Freeholder, to be committed in Execution, by Virtue of the *Ten Pound* Act, for any Debt or Damages for or upon any Contract or Thing made or done after 1ſt *May*, 1789.

‡ 10*th Seſſ. Ch.* 89. Form of Execution in ſuch Caſes.

XVI. *And be it further Enacted by the Authority aforeſaid*, That the *eighth* Section of the Act, entitled, ‡ *An* Act *for giving Relief in Caſes of Inſolvency*, paſſed the Twenty-firſt of *March*, One Thouſand Seven Hundred and Eighty-eight, ſhall extend to all Perſons who have or ſhall have been actually impriſoned for *ſixty* Days and upwards, upon any civil Actions, notwithſtanding ſuch Perſon ſo impriſoned did not uſe the Trade of Merchandiſe, or get the greateſt Part of his living by Trade or Merchandiſe, upon the Application and Affidavit being made by the Creditor therein mentioned, that the Sum of Money due to him from ſuch Debtor exceeds *Ten Pounds*.

Eighth Section of an Act of 21ſt *March*, 1788, extended to all Perſons impriſoned 60 Days.

‡ 11*th Seſſ. Ch.* 92.

CHAP. XXV.

An ACT *for regulating the Fees of the ſeveral Officers and Miniſters of Juſtice within this State.*

Paſſed 18th February, 1789.

I. BE *it Enacted by the People of the State of* New-York, *repreſented in Senate and Aſſembly, and it is hereby Enacted by the Authority of the ſame*, That no Officer or other Perſon, ſhall exact, demand or aſk, or be allowed any greater or other Fee or Reward, for or in Reſpect of any Service to be done or performed after the firſt Day of *June* next, than ſuch as is herein after ſpecified: *That is to ſay;*

In the Court for the Trial of Impeachments and Correction of Errors. Court of Errors.

The Clerk's Fees.

Clerk's Fees.

For
- Reading and filing the Writ, Return and Record, Three Shillings.
- Filing every Affidavit or other Proceeding, One Shilling.
- Entering every Rule, One Shilling and Six-pence.
- Every certified Copy of a Rule, One Shilling and Six-pence.
- Entering every Appearance, One Shilling.
- Entering every Judgment or Diſmiſſion, Two Shillings.

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For
- Entering the Judgment and Remittitur on the Roll, for each Sheet containing Seventy-two Words, One Shilling.
- The Seal to any Record or Proceſs, Four Shillings.
- Copies of Records, Pleadings, and other Proceedings, for each Sheet containing Ninety Words, Nine-pence.
- Taxing a Bill of Coſts, Four Shillings.

The Cryer's Fees.

Cryer's Fees. In each Cauſe, Three Shillings.

Court of Chancery. In the Court of Chancery.

The Chancellor's Fees.

Chancellor's Fees.

For
- The Seal to every common Writ, Two Shillings and Three-pence.
- The Seal to Exemplifications, Five Shillings.
- Every Decree, Forty Shillings.
- Every Diſmiſſion of a Bill for Want of Proſecution, Ten Shillings.
- Every Opinion or Order upon Petition or Motion controverted and argued in Court, Ten Shillings.
- Every Order on Petition out of Court, Five Shillings.
- Appointing a Guardian, Ten Shillings.
- Signing a Dedimus to take a Fine, Three Shillings.

The Maſter's Fees.

Maſter's Fees.

For
- Every Summons, Three Shillings.
- Copies of all Charges and Diſcharges brought in before the Maſter, for each Sheet containing Ninety Words, Nine-pence.
- Scheduling Writings, for each Sheet of ſuch Schedule containing Ninety Words, Nine-pence.
- Every Report in Purſuance of an Order made upon hearing a Cauſe, TenShillings.
- Every other Report made upon Petition or Motion only, Five Shillings.
- Taking the Acknowledgment or Proof of a Deed or Mortgage, Three Shillings; a Leaſe and Releaſe to be conſidered as one Deed.
- Drawing every Report, for each Sheet containing Ninety Words, One Shilling.
- Every Copy thereof, each Sheet as aforeſaid, Nine-pence.
- Swearing a Defendant to an Anſwer or Plea, or ſwearing a Witneſs, or taking an Affidavit, One Shilling.
- Signing every Exhibit brought before him, One Shilling.
- The Caption and Writing of every Recognizance, Three Shillings.
- Taxing every Bill of Coſts before a Decree, Three Shillings.
- Taxing a Bill of Coſts after a Decree, Six Shillings.

AND all Coſts of the Party Plaintiff, including Officers Fees, whenſoever Coſts ſhall be directed to be taxed, ſhall be taxed in one Bill only; and in like Manner all the Coſts of the Party Defendant, including Officers Fees, ſhall be taxed in one Bill only, and only one Fee ſhall be allowed for any ſuch one Taxation.

AND where Monies are ordered by the Court to be put out by a Maſter, or where an Eſtate is ordered to be ſold by a Maſter, and where the Maſter is ordered to take an Account of an Eſtate, or between Partners in Trade, the Chancellor ſhall make ſuch Allowance to the Maſter for the ſame, as he ſhall judge reaſonable.

The

Regiſter's Fees.

The Regiſter's Fees.

For

Drawing all Rules and Orders, for each Sheet containing Ninety Words, One Shilling and Six-pence, and entering the ſame, for each Sheet, Nine-pence.

Reading and filing every Report, Petition or other Paper, One Shilling.

Copies of all Rules, Orders, Reports, Affidavits, Records and Proceedings, for each Sheet containing Ninety Words, Nine-pence.

Every Certificate, One Shilling and Six-pence.

Entering a Cauſe for Hearing, One Shilling.

Making or certifying Notes of the Cauſes that ſtand for Hearing, for grounding a Subpœna to hear Judgment for each Cauſe, One Shilling and Six-pence.

Drawing every Decree, for each Sheet containing Ninety Words, One Shilling and Six-pence; but no Record, Writing, Report, Order or Proceeding to be inſerted therein *verbatim*, or in *hæc verba*, ſhall be computed as any Part of ſuch Draft.

Engroſſing every Decree, including all Reports, Orders and other Proceedings, Records and Writings inſerted therein, for each Sheet containing Ninety Words, and including Parchment, One Shilling.

Entering every Diſmiſſion, Four Shillings.

Examining and ſigning every Decree, and attending the Chancellor to get the ſame ſigned by him, Eight Shillings.

Searching for any Order or Decree, for every Year in which ſuch Search is made, Six-pence.

Entering all Attachments and Proclamations, Nine-pence for each Perſon.

Entering every Amerciament, One Shilling and Six-pence.

Entering an Appearance upon Proceſs of Contempt, One Shilling.

Engroſſing all Depoſitions, Exhibits, Records and Pleadings to be exemplified, for each Sheet containing Ninety Words, Nine-pence.

Poundage on all depoſit Money, Six-pence in the Pound, and on all other Money brought into Court by ſpecial Order, and lodged with him, Three-pence in the Pound.

The Clerk's Fees.

Clerk's Fees.

For

Drawing and engroſſing every Subpœna or Attachment, including Parchment, Five Shillings.

Drawing all other Writs and Commiſſions, when done by him, for every Sheet containing Ninety Words, One Shilling and Six-pence, and engroſſing when done by him, for each Sheet, including Parchment, One Shilling.

Entering the Defendant's Appearance, and Certificate thereof, and ſerving the ſame, Two Shillings; and if two or more Defendants appear at one Time, no more than one Fee for entering and certifying their Appearance, ſhall be allowed.

Copies of all Bills, Anſwers and other Pleadings whatſoever, for each Sheet containing Ninety Words, Six-pence.

Meeting to ſettle Commiſſioners, on joining in Commiſſion, Four Shillings.

Every Certificate that Pleadings are filed, Coſts of Contempt paid, or other Matter neceſſary to be certified, One Shilling.

Filing every Bill, Anſwer, Plea, Replication, Rejoinder, Demurrer or other Pleading, One Shilling.

Entering a Rule to anſwer, reply or rejoin, or other Rule in the Rule Book, and Copy thereof, and ſerving on the Clerk of the oppoſite Party, Two Shillings.

Entering

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For
- Entering Receipt of Rule to anſwer, reply or rejoin, or other Rule in the Rule Book, and making and ſerving a Copy of the Rule on the Solicitor, Two Shillings.
- Searching for any Bill, Anſwer or other Pleading, for every Year in which ſuch Search is made, Six-pence.
- Attending Maſter with Rule Book on taxing Coſts, Two Shillings.
- Attending Court on Hearing with the Pleadings, whether they are read or not, Four Shillings.
- Poundage on all Money brought into Court, and lodged with him, Three-pence in the Pound.

The Examiner's Fees.

Examiner's Fees.

For
- Taking the Examination of every Deponent, and making a fair Copy of the ſame on Paper for the Witneſs to ſign, for each Sheet containing Ninety Words, One Shilling and Six-pence, and if he travels, a Mileage Fee of One Shilling a Mile going out only.
- Certifying every Exhibit ſhewn to a Witneſs on his Examination, Two Shillings.
- Copies of all Depoſitions, Exhibits and Interrogatories, when required, for each Sheet containing Ninety Words, Six-pence.
- Attending Court with Depoſitions and Exhibits, Four Shillings.

The Counſel's Fees.

Counſel's Fees.

- A retaining Fee in each Cauſe, Thirty Shillings; but a retaining Fee ſhall not be taxed or allowed to the ſame Perſon, both as Counſellor and Solicitor in the ſame Cauſe.

For
- Peruſing and ſigning every Bill, Anſwer, Plea, Demurrer, and other Special Pleadings, Interrogatories and Exceptions, if not done by the Perſon acting as Solicitor in the ſame Cauſe, Twenty Shillings.
- Every Motion of Courſe before the Chancellor, Four Shillings; but no Motion to be allowed for common Proceſs, nor for Rules to anſwer, reply, rejoin, produce or examine Witneſſes, or for Publication or the like, which are to be iſſued or entered of Courſe by the Clerks.
- Every ſpecial Motion, Ten Shillings.
- Arguing every Plea or Demurrer, Thirty Shillings.
- Arguing before the Maſter upon Exceptions or other ſpecial Matter, Twenty Shillings.
- Arguing before the Chancellor upon Petition or Exceptions, Twenty Shillings.
- Arguing upon the final Hearing of any Cauſe, Forty Shillings.

But no Coſts to be taxed for more than one Counſel in the ſame Cauſe.

The Solicitor's Fees.

Solicitor's Fees.

- A retaining Fee in every Cauſe, Twenty Shillings; but when the ſame Perſon acts as Solicitor and Counſel, no retaining Fee to be allowed as Solicitor.

For
- Drawing every Bill, Anſwer, Plea, Demurrer, Replication, Rejoinder, Interrogatories, Exceptions and other Proceedings, for each Sheet containing Ninety Words, One Shilling and Six-pence; but no Record, Writing, Report, Order or Proceeding, to be inſerted therein *verbatim*, or in *hæc verba*, ſhall be computed as any Part of ſuch Draft.
- All Ingroſſments, including Parchment, One Shilling for each Sheet containing Ninety Words, computing all Records, Writings, Reports, Orders and Proceedings inſerted therein, and all Copies on Paper, Six-pence for each Sheet as aforeſaid.

Attending

For
- Attending the Chancellor on Petition, Four Shillings.
- Attending the Court upon Hearing, upon every Argument, Ten Shillings.
- Attending the Regiſter upon drawing decretal Order, Four Shillings.
- Attending the Chancellor upon every common Motion, Four Shillings.
- Attending upon every ſpecial Motion, when argued, Six Shillings.
- Serving every Order, One Shilling and Six-pence.
- Giving Notice of the Examination of a Witneſs, either before the Examiner, or a Maſter, or Commiſſioners, Two Shillings.
- Drawing Inſtructions for the Examination, Two Shillings.
- Abbreviating every Bill, Anſwer and other Pleadings, and Depoſitions and Exhibits, Three-pence for each Sheet containing Ninety Words.
- Drawing Brief for Counſel, One Shilling and Six-pence for each Sheet containing Ninety Words, and a Copy thereof, Six-pence for each Sheet as aforeſaid.
- Drawing Charge or Diſcharge before a Maſter, for each Sheet containing Ninety Words, One Shilling and Six-pence.
- Attending the Maſter upon any Matter referred to him, Four Shillings.
- Attending the Maſter upon a Summons, Four Shillings.
- Attending on taxing Coſts, Four Shillings.
- Copy of a Bill of Coſts to be taxed before a Decree made, Three Shillings; after a Decree, Six Shillings.
- Drawing Notice of every Motion, Copy and Service, Three Shillings.

The Fees of the Sergeant at Arms.

Serjeant at Arms Fees.

For
- Taking a Perſon into Cuſtody, Eight Shillings.
- Mileage, for each Mile going out only, One Shilling.
- The Return of an Order or Proceſs, One Shilling.
- Attendance at every final Hearing, Three Shillings.
- Serving every Summons to attend a Maſter, One Shilling.
- Taking Bail upon Attachment or other Proceſs, Six Shillings.

And every Perſon in Contempt, before being diſcharged, ſhall, beſides other Fees, pay to the Sergeant at Arms, Six Shillings and Eight-pence.

In the Supreme Court.

Supreme Court.

Fees to the Chief Juſtice.

Chief Juſtice's Fees.

For
- Licence to an Attorney, Ten Shillings.
- Taking a Conuſance of a Fine, Six Shillings.

Fees to be divided among the Judges preſent when the Service is done.

Judges Fees.

For
- Admitting a Perſon to Practice as an Attorney, Thirty Shillings.
- The firſt Motion in every Cauſe unleſs Criminal, Five Shillings.
- Taking the Acknowledgment of a Fine at the Bar, Six Shillings.

Fees to be paid to the Judge who does the Service.

For
- Taking Bail, Three Shillings.
- Searching for Bail in any one Term, One Shilling; and for every Term more in which Search is made, Six-pence.
- Allowing every Writ of Error, Writ of Privilege, Habeas Corpus, Procedendo, Certiorari, or Prohibition, Three Shillings.
- Taking the Acknowledgment of Satisfaction out of Court, Three Shillings.
- Taking the Acknowledgment or Proof of a Deed or Mortgage, Three Shillings; a Leaſe and Releaſe to be conſidered as one Deed.
- Admitting an Infant by Guardian or next Friend, Two Shillings.
- Signing a Dedimus to take the Acknowledgment of a Fine, Three Shillings.

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For
- Taking the Acknowledgment of a Fine by Dedimus, Four Shillings.
- Examining and ſigning the Indentures of a Fine, Four Shillings.
- Examining and ſigning the Enrollments of the ſeveral Parts of a Fine, Two Shillings for each Roll.
- Examining and ſigning the Enrollment of a Recovery, Five Shillings.
- Examining and ſigning the Exemplification of a Fine or Recovery, Five Shillings.
- Taking an Affidavit, One Shilling.
- Taking Acknowledgment of a Warrant of Attorney for levying a Fine or ſuffering a Recovery, or to proſecute or defend a real Action, Two Shillings.
- Allowing a Warrant of Attorney in other Caſes, One Shilling.
- Every Attendance at his Chamber on Motion, or on examining a Witneſs, Five Shillings.
- Every Order or Certificate upon the Act concerning inſolvent Debtors, Three Shillings.
- Every Warrant, Order, Report or Certificate, or Appointment of Truſtees, upon the Act relative to abſconding or abſent Debtors, Three Shillings.
- Signing every Judgment, Two Shillings; and for taxing every Bill of Coſts, Four Shillings.

Court of Errors and Supreme Court.

Counſel's Fees.

The Counſel's Fees in the Court of Errors and Supreme Court.

For
- Peruſing and amending every ſpecial Pleading and Entry, Ten Shillings.
- Aſſiſting on ſpecial Motions, Ten Shillings.
- Attending the Court of Errors to make or oppoſe a Motion, Ten Shillings.
- Trial of a Cauſe, or arguing a Demurrer, or a ſpecial Verdict, or in Error, Thirty Shillings.

BUT no Coſts ſhall be taxed for Counſel in any Cauſe, but where Counſel is actually employed, and then only for one Counſel.

The Attornies Fees in the Court of Errors and Supreme Court.

Attornies Fees.

For
- A retaining Fee, Twenty-nine Shillings; but where ſeveral Suits are brought upon one Bond, Note or Bill of Exchange, no more than one retaining Fee ſhall be allowed, nor ſhall any retaining Fee be allowed in any Suit upon a Bail Bond, or to the Defendant's Attorney upon confeſſing Judgment on a Bond by Virtue of a Warrant of Attorney.
- Drawing and Copy of a Warrant of Attorney, One Shilling.
- Drawing all Proceſs and Returns, Admiſſions of Guardians or next Friends, and all Recognizances of Bail, One Shilling and Six-pence for each Sheet containing Seventy-two Words.
- All Engroſſments, including Parchment, One Shilling for each Sheet; and all Copies upon Paper, Six-pence for each Sheet.
- Every Term, a Term Fee of Five Shillings; but no more than Three to be allowed in any Cauſe.
- Drawing all Pleadings, Adjournments, Suggeſtions and other neceſſary Entries, Records, Bonds to proſecute, and Affidavits, One Shilling and Six-pence for each Sheet containing Seventy-two Words; but no Record, Writ, Return, Pleading, Bond, Covenant or other Writing, to be inſerted *verbatim*, or in *hæc verba*, ſhall be computed as any Part of ſuch Draft.

Engroſſing

Engroſſing, including Parchment, and computing all Records, Writs, Returns, Pleadings, Bonds, Covenants and other Writings inſerted therein, One Shilling for each Sheet containing Seventy-two Words; and all Copies on Paper, Six-pence for each Sheet.

Every neceſſary Motion, Five Shillings; but no Motion to be allowed upon Judgment by Confeſſion, by Virtue of a Warrant of Attorney, when no Suit is brought either for entering the Action or a Rule to plead.

Every Attendance before the Court of Errors, in Order to make a Motion, or to oppoſe a Motion, Five Shillings.

Arguing every ſpecial Motion, Ten Shillings.

A Fee on Trial or Inqueſt, Twelve Shillings.

Arguing Demurrer, ſpecial Verdict, or in Error, Thirty Shillings.

Drawing a Brief and a Copy or Copies thereof, Nine Shillings.

Drawing up a Judgment, Six Shillings.

Entering the Judgment on the Roll, Three Shillings.

For Every Notice, Copy and Service on the oppoſite Party, or his Attorney, Two Shillings.

Copy and Service of Notice of Trial on the Judge or Judges, Two Shillings.

Making a Note of the Iſſue for the Judges, to be ſerved on the Clerk, with a Copy of the Notice of Trial, and for Copy and Service, Three Shillings.

Attendance on balloting or ſtriking a Jury, or both, Five Shillings.

Attendance on examining a Witneſs out of Court, Two Shillings.

Attendance on taxing a Bill of Coſt, Two Shillings.

Serving a certified Copy of a Rule, or a Copy of a Declaration, with a certified Copy of a Rule to plead, One Shilling and Six-pence.

Copy of a Bill of Coſts to be taxed, delivered to the oppoſite Party, or his Attorney, if before Iſſue joined, or Judgment, Three Shillings; if after, Six Shillings; and no more than one Writ of Execution ſhall be taxed in any Caſe.

The Fees of the Clerk of the Supreme Court in civil Cauſes.

Clerk's Fees in civil Cauſes.

Sealing a Writ, entering the ſame, filing the *Precipe*, and entering on the Docket, One Shilling.

Filing a Declaration or other Pleading, One Shilling.

Entering an Appearance or Default, One Shilling.

Entering every Rule, One Shilling and Six-pence.

A certified Copy of a Rule, when required, One Shilling.

Entering every Nonſuit, One Shilling and Six-pence.

Calling and ſwearing every Jury, Two Shillings.

Entering the Return of a Writ, and filing the Writ, One Shilling.

Filing a Writ of Error, Habeas Corpus or Certiorari, with the Return thereof, One Shilling.

For Swearing each Witneſs, Six-pence.

Swearing a Conſtable to attend a Jury, Six-pence.

Reading every Writing given in Evidence, One Shilling.

Filing every Roll, One Shilling.

Docketting a Judgment, One Shilling.

Taking a Verdict and entering the ſame in the Minutes, One Shilling and Six-pence.

Engroſſing every ſpecial Verdict or Demurrer to Evidence, for each Sheet containing Seventy-two Words, including Parchment, One Shilling.

Entering a Judgment, One Shilling and Six-pence.

Entering or filing a Retraxit or Diſcontinuance, One Shilling.

Drawing

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For
- Drawing and engroſſing Exemplifications of Records, for each Sheet containing Seventy-two Words, including Parchment, One Shilling.
- Copies of Records and Pleadings, for each Sheet containing Seventy-two Words, Nine-pence.
- Attending and ſtriking a ſpecial Jury, and delivering a Copy of the Panel to each Party, Six Shillings.
- Copies of Records to be returned upon Writs of Error, for each Sheet containing Seventy-two Words, including Parchment, One Shilling.
- Filing an Affidavit, or other Paper, on Requeſt, Nine-pence.
- Entering Satisfaction on Record, One Shilling and Six-pence.
- Searching the Records in any one Year, One Shilling; and for every other Year in which ſuch Search is made, Six-pence.
- Searching for a Judgment, Six-pence for every Term in which ſuch Search is made.
- Entering Confeſſion of Leaſe, Entry and Ouſter, One Shilling and Six-pence.
- Reading and entering a Poſtea, Two Shillings.
- Swearing each Witneſs to a Will, One Shilling.
- Drawing the Proof of Wills and Codicils, One Shilling and Six-pence for each Sheet containing Seventy-two Words.
- Recording a Will or Codicil, and the Proof as by Law directed, One Shilling and Six-pence for each Sheet containing One Hundred and Twenty-eight Words; and for Copies thereof, when required, One Shilling for every Sheet containing One Hundred and Twenty-eight Words.
- Examining and ſigning a Note of a Fine, One Shilling.
- Examining and ſigning the Indentures of a Fine, Three Shillings.
- Making, entering and endorſing each Proclamation of a Fine, Three Shillings.
- Attending and examining the Enrollment of the ſeveral Parts of a Fine, Five Shillings.
- Examining and ſigning, and affixing the Seal to the Exemplification of a Fine or Recovery, Five Shillings.

Fees of the Clerk of the Supreme Court in criminal Cauſes, not Capital, where the Service is done at the Requeſt of the Defendant; but no Fees to be allowed in any other Caſes.

Clerk's Fees in criminal Cauſes not capital.

For
- Entering an Appearance, One Shilling.
- Entering the Diſcharge of a Perſon upon Bail, One Shilling.
- Entering an Imparlance, One Shilling.
- Entering or filing a Plea, One Shilling.
- Reading a Record or other Writing given in Evidence, One Shilling.
- Swearing a Witneſs, Six-pence.
- Reſpiting a Recognizance, Six-pence.
- Taking a Recognizance in Court, and entering thereof, Three Shillings.
- Copies of all Indictments, Informations and Pleadings, when required, for each Sheet of Seventy-two Words, Nine-pence.
- Entering a Relinquiſhment of a Plea, One Shilling.
- Entering a Submiſſion, One Shilling.
- Every Subpœna for Witneſſes, Two Shillings and Three-pence.
- Entering an Order or Rule of Court, One Shilling and Six-pence.
- A Copy of an Order or Rule of Court, One Shilling.
- Taking and entering a Verdict, when for the Defendant, One Shilling and Six-pence.

Taking

For
- Taking and copying a ſpecial Verdict, for each Sheet containing Seventy-two Words, One Shilling and Six-pence.
- Entering a Judgment for the Defendant, Two Shillings.
- Reading and entering the Allowance of a Pardon, or a Warrant of Nolo Proſequi, or Ceſſat Proceſſus, Three Shillings.

Fees of the Clerk of the Circuit Courts.

Clerk of the Circuit Courts Fees.

For
- Entering in the Judge's Book, every Cauſe noticed for Trial, Two Shillings.
- Filing every *Niſi Prius* Record, One Shilling.
- Entering every Rule, One Shilling and Six-pence.
- A Copy of a Rule, One Shilling.
- Entering Confeſſion of Leaſe, Entry and Ouſter, One Shilling and Six-pence.
- Calling and ſwearing a Jury, Two Shillings.
- Swearing each Witneſs, Six-pence.
- Swearing a Conſtable to attend a Jury, Six-pence.
- Reading every Deed and Writing given in Evidence, One Shilling.
- Filing a Plea or Bill of Exceptions, One Shilling.
- Copies thereof, for each Sheet containing Seventy-two Words, Six-pence.
- Taking and entering a Verdict, One Shilling and Six-pence.
- Drawing and returning every Poſtea, Six Shillings.
- Entering every Nonſuit, One Shilling and Six-pence.
- Entering every Appearance or Default, One Shilling.
- Engroſſing a ſpecial Verdict or Demurrer to Evidence, for each Sheet containing Seventy-two Words, including Parchment, One Shilling.

And Twenty Shillings in each Cauſe noticed for Trial, and not countermanded in due Time, in Lieu of all travelling Charges.

And in criminal Cauſes, the Clerk of the Circuit Courts ſhall be allowed the like Fees as the Clerk of the Supreme Court, and under the ſame Reſtrictions.

The Sheriff's Fees in the Supreme Court.

Sheriff's Fees in the Supreme Court.

For
- Serving a Writ, Four Shillings and Six-pence.
- Every Mile going only, Six-pence, to be computed from the Sheriff's Place of Abode, except where it is otherwiſe fixed by Law.
- A Bail Bond, Three Shillings.
- Returning a Writ, if ſerved, One Shilling.
- Every Demand of a Defendant upon an Exigent, and every Proclamation upon a Writ of Proclamation, or in a real Action, One Shilling.
- Summoning a Jury, Eight Shillings.
- Serving an Execution for or under *One Hundred Pounds*, Six-pence per Pound; and for every Pound more than One Hundred Pounds, Three-pence; the Poundage on Writs of Fieri Facias, and all other Writs for levying Monies, to be taken only for the Sum levied.
- Serving a Writ of Poſſeſſion or Reſtitution, without the Aid of the Poſſe Comitatus, Ten Shillings; and with the Aid of the Poſſe Comitatus, Thirty Shillings; and Mileage for every Mile, from the Place fixed by Law, Six-pence.
- Making and returning a Book of Freeholders for ſtriking a Jury, Thirty Shillings.

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For
- Every Perſon committed to Priſon, Three Shillings.
- Diſcharging every Perſon from Priſon, Three Shillings.
- Bringing up a Priſoner by Habeas Corpus, in civil Cauſes, Twelve Shillings; and Mileage for every Mile from the Gaol, One Shilling.
- Executing a Writ of Enquiry, ſummoning the Jury for that Purpoſe, and returning the Inquiſition, Twelve Shillings.
- Attending a View, Fifteen Shillings per Day; and going and returning, Ten Shillings per Day.
- Attending with a Priſoner before a Judge, on his being ſurrendered by his Bail, and for receiving the Priſoner into Cuſtody, Eight Shillings.
- Summoning the Jury to enquire of a forcible Entry or Detainer, Twenty Shillings.
- Copy of every Writ, when demanded, One Shilling and Six-pence.
- Serving an Attachment againſt the Eſtate of an abſconding or abſent Debtor, ſo much as the Judge who iſſued the Warrant ſhall certify to be reaſonable.

Provided, That no Sheriff ſhall be allowed any Fee for the Service or Execution of any Writ or Proceſs, unleſs the ſame ſhall be returned, ſo as that the Return thereof may be entered in the Term in which the ſame ſhall be returnable (Fees for executing a Writ of Poſſeſſion only excepted).

Cryer's Fees.

The Cryer's Fees in the Supreme Court and Circuit Courts.

For
- Calling every Action, Nine-pence.
- Ringing the Bell, each Action in Court, One Shilling.
- Calling a Jury, One Shilling.
- Swearing a Witneſs, Six-pence.
- Making Proclamation for the Diſcharge of any Perſon, Nine-pence.
- Calling the Plaintiff on a Nonſuit, Nine-pence.
- Calling the Defendant on a Default, Nine-pence.
- Calling the Defendant on a Recognizance, Nine-pence.
- Every Proclamation upon a Fine, Nine-pence.

Juror's Fees.

The Juror's Fees in the Supreme Court and Circuit Courts.

For
- Every Juror for each Action on which he is ſworn, One Shilling.
- Every Juror coming to and attending a View and returning, Six Shillings per Day.
- Every Juror from a foreign County, coming to and attending at Court, and returning, Six Shillings per Day.

Courts of Common Pleas and Mayor's Courts.

The Fees of the Judges of the Courts of Common Pleas and Mayor's Courts.

Firſt Judge's Fees.

Fees to the firſt Judge.

For a Licence to an Attorney, Eight Shillings.

Recorder's Fees.

Fees to the Recorder in the ſeveral Mayor's Courts.

For the firſt Motion in every Cauſe, Six Shillings.

Judges Fees.

Fees to be divided among the Judges who are preſent when the Service is done.

For
- The firſt Motion in every Cauſe in the Court of Common Pleas, Three Shillings.
- Admitting a Perſon to practice as an Attorney, Fifteen Shillings.
- Admitting a Guardian on the Act for the Partition of Lands, Two Shillings.

Fees

Fees to be paid to the Judge, Mayor or Recorder who does the Service.

Judges, Mayor's and Recorder's Fees.

For
- Admitting an Infant by Guardian or next Friend, One Shilling and Six-pence.
- Taking Bail, Two Shillings.
- Taking Acknowledgment of Satisfaction out of Court, One Shilling.
- Attending on ſhewing Cauſe of Action, or other ſpecial Matter out of Court, Two Shillings.
- Taking an Affidavit, One Shilling.
- Allowing a Warrant of Attorney, One Shilling.
- Taking the Acknowledgment or Proof of a Deed or Mortgage, Leaſe and Releaſe to be conſidered as one Deed, Three Shillings.
- A Certificate or Order concerning an inſolvent Debtor, Three Shillings.
- A Warrant, Order, Report, Certificate or Appointment of Truſtees, in Purſuance of the Act concerning abſconding and abſent Debtors, Three Shillings.
- Signing a Judgment, One Shilling.
- Taxing a Bill of Coſt, Two Shillings; but no Judgment ſhall be ſigned, or Taxation of Coſts made by any Aſſiſtant Judge of any Court.

Fees of the Juſtices of the Peace, where they are entitled to Fees, and ſuch Fees are not otherwiſe aſcertained by Law.

Fees of the Juſtices of the Peace.

For
- A Precept to ſummon a Jury to enquire of a forcible Entry or Detainer, Three Shillings.
- Adminiſtring an Oath, One Shilling.
- Swearing a Jury to enquire of a forcible Entry or Detainer, Two Shillings.
- A Precept to ſummon a Jury to try a Traverſe of the Force, Three Shillings.
- Swearing the Jury to try the Traverſe, Two Shillings.
- Drawing the Conviction on a forcible Entry or Detainer, Eight Shillings.
- A Warrant of Reſtitution, Three Shillings.
- A Mittimus for a Fine or Forfeiture, One Shilling and Six-pence.
- A Warrant againſt any Perſon for a Breach of the Peace, or a Miſdemeanor, One Shilling and Six-pence.
- A Bond or Recognizance, Two Shillings.
- A Summons upon a penal Law, One Shilling.
- Drawing a Conviction, Three Shillings.
- A Warrant to levy a Penalty, One Shilling and Six-pence.

The Attorney's Fees in the Court of Common Pleas, and Mayor's Courts.

Courts of Common Pleas and Mayor's Courts.

Attorney's Fees.

For
- A Retaining Fee, Twenty Shillings; but where ſeveral Suits are brought upon one Obligation, Note or Bill of Exchange, no more than one retaining Fee ſhall be allowed, nor ſhall any retaining Fee be allowed in any Suit, upon a Bail Bond, or to the Defendant's Attorney, upon confeſſing Judgment on a Bond, by Virtue of a Warrant of Attorney.
- A Warrant of Attorney, One Shilling.
- Drawing and Copy of a Plaint, One Shilling and Six-pence.
- Every neceſſary Motion, Two Shillings.
- Drawing a Declaration, Six Shillings.
- Copy of a Declaration, Three Shillings.
- Drawing a Plea, Two Shillings.
- Copy thereof, One Shilling.

Drawing

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For
- Drawing all other Pleadings, One Shilling for each Sheet containing Seventy-two Words; and for a Copy thereof, Six-pence for each Sheet.
- Drawing a Writ of Enquiry and Copy, Nine Shillings.
- Drawing every Notice of Trial, Copy and Service, Two Shillings.
- Copy and ſerving on the Judge or Judges, One Shilling.
- Drawing every other Notice, Copy and Service, One Shilling and Six-pence.
- Drawing a Brief for Trial or Inqueſt, and Copy, Six Shillings.
- Fee on Trial or for arguing Demurrer or ſpecial Verdict, Sixteen Shillings.
- Fee on Inqueſt, Eight Shillings.
- Attendance on a Judge on examining a Witneſs, or ſhewing Cauſe of Action, or to mitigate Bail, or other ſpecial Matter, Two Shillings.
- Attendance on taxing Coſts, Two Shillings.
- Copy of a Bill of Coſts to be taxed for the oppoſite Party or his Attorney, when required, Two Shillings.
- Drawing and Copy of Record of Judgment, when done by him, Twelve Shillings.

Clerk's Fees.

Fees of the Clerks of the Courts of Common Pleas, and Mayor's Courts.

For
- Every Writ of Capias, entering the Action and Seal, Two Shillings.
- A Bond given by the Plaintiff to proſecute, when neceſſary, Two Shillings.
- Copy of a Declaration, when required, Three Shillings.
- Copies of all other Pleadings, when required, Six-pence for each Sheet of Seventy-two Words.
- Filing every Declaration, or other Pleading or Paper, Six-pence.
- Entering a Retraxit, or Diſcontinuance, or Satisfaction, One Shilling.
- Entering every Rule, One Shilling; and for a Copy thereof, when required, One Shilling.
- Attending the ſtriking or ballotting a Jury, or both, and making a Copy of the Panel for each Party, Four Shillings.
- Entering an Appearance or Default, Six-pence.
- Entering the Return of every Writ, Six-pence; and filing the Writ, Six-pence.
- Drawing ſpecial Bail when he does it, One Shilling.
- Reading and entering Allowance of Habeas Corpus, Writ of Error, or Certiorari, and for the Return thereof, Four Shillings.
- A Venire, or other Jury Proceſs, and Seal, Three Shillings.
- A Subpœna, Two Shillings.
- Calling a Panel, and ſwearing a Jury, One Shilling and Six-pence.
- Swearing each Witneſs on Trial, Six-pence; and ſwearing a Conſtable, Six-pence.
- Reading every Paper given in Evidence, Six-pence.
- Receiving and entering a Verdict, One Shilling.
- Entering Judgment, One Shilling.
- Sealing a Writ of Enquiry, One Shilling and Six-pence.
- An Execution and Seal, Three Shillings.
- Entering Recognizance of Bail on Record, Two Shillings.
- Drawing and Copy of a Record of Judgment, when done by him, Twelve Shillings; and for a Copy to be ſigned, when the Attorney makes the Draft, Six Shillings.
- Searching the Records in any one Year, Six-pence; and for every other Year in which ſuch Search is made, Four-pence.
- Docketting a Judgment, One Shilling.

Filing

For
- Filing a Record, Six-pence.
- Searching for a Judgment in one Term, One Shilling; and in every other Term in which ſuch Search is made, Six-pence.
- Swearing each Witneſs to a Will or Codicil, Six-pence.
- Drawing the Proof of Wills or Codicils, One Shilling for each Sheet of Seventy-two Words.
- Recording Deeds, Wills and Codicils, and the Proof thereof required by Law, One Shilling and Six-pence for each Sheet containing One Hundred and Twenty-eight Words; and for Copies thereof, when required, One Shilling for every Sheet of One Hundred and Twenty-eight Words.

Fees of the Clerk of the Seſſions.

Clerk of the Seſſions Fees.

FOR reading and filing every Town Order, or other Order brought to the Seſſions to be allowed, and entering the Confirmation thereof, Two Shillings; and for recording the ſame, if required, One Shilling for each Sheet containing Seventy-two Words.

AND in all Caſes of Crimes and Miſdemeanors, where the Service is done at the Requeſt of the Defendant, the Clerk ſhall be allowed, and may take the following Fees of the Defendant:

For
- Taking a Recognizance, and drawing it up in Form, Two Shillings, to be paid to the Clerk, or other Perſon who does the Service.
- A Subpœna, Two Shillings.
- Entering the Defendant's Appearance, Nine-pence.
- Every Order or Rule of Court, Nine-pence.
- Entering a Nolo Proſequi or Ceſſat Proceſſus, One Shilling and Six-pence.
- Reading and entering an Allowance of a Pardon, One Shilling and Six-pence.
- Swearing a Witneſs, Six-pence.
- Reading every Paper given in Evidence, Six-pence.
- Reſpiting a Recognizance, Nine-pence.
- Diſcharging a Defendant by Proclamation, Nine-pence.
- Entering Defendant's Confeſſion, One Shilling.
- Entering or filing Defendant's Plea, Six-pence.
- Taking and entering Verdict, when for Defendant, One Shilling.
- Entering Judgment for Defendant, One Shilling.
- Copies of Records, Indictments and Pleadings, when required, for each Sheet containing Seventy-two Words, Six-pence.
- Making up Record of Judgment for Defendant, when required, Twelve Shillings.
- Entering the Allowance of every Habeas Corpus, Writ of Error, or Certiorari, and returning the ſame, Four Shillings.

AND where any Defendant ſhall be convicted of, and fined for any Crime or Miſdemeanor, the Court may allow ſuch Coſts of Proſecution out of the ſame Fine, as ſuch Court ſhall judge reaſonable; and ſhall cauſe an Entry thereof to be made in the Minutes of the Court; and the Clerk, in the Eſtreat thereof, ſhall mention the ſame, in order that the Court of Exchequer may ſee how much of the ſaid Fine is to be anſwered to the People of this State; and when ſuch Fine is paid to the Sheriff or other Officer, he ſhall pay ſuch Coſts ſo allowed, out of the ſame.

The Sheriff's Fees in the Courts of Common Pleas and Mayor's Courts.

Courts of Common Pleas and Mayor's Courts.
Sheriff's Fees.

For
- Serving a Writ, Three Shillings.
- Mileage going only from the Place fixed by Law, Six-pence per Mile.
- Every Bail Bond, Three Shillings.
- Returning a Writ, if ſerved, Nine-pence.
- Summoning a Jury, Six Shillings.

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For
- Attending a View, Ten Shillings per Day; and going and returning, Eight Shillings per Day.
- Every Demand of a Defendant upon an Exigent, and every Proclamation, on a Writ of Proclamation or in a real Action, One Shilling
- Serving an Execution for or under *One Hundred Pounds*, Six-pence per Pound; and for every Pound more, Three-pence; the Poundage on Writs of Fieri Facias, and all other Writs for levying Money, to be taken only on the Sum levied.
- Serving a Writ of Poſſeſſion or Reſtitution, with the Aid of the Poſſe Comitatus, Twenty Shillings, and without ſuch Aid, Ten Shillings; and Mileage going only, for every Mile from the Place fixed by Law, Six-pence.
- Making and returning a Book of Freeholders for ſtriking a Jury, Thirty Shillings.
- Every Perſon committed to Priſon, Three Shillings.
- Diſcharging every Perſon from Priſon, Three Shillings.
- Executing a Writ of Enquiry, ſummoning the Jury for the Purpoſe, and returning the Inquiſition, Twelve Shillings.
- Attending with a Priſoner before a Judge, on his being ſurrendered by or in Diſcharge of his Bail, and receiving the Priſoner into Cuſtody, Four Shillings.
- Copy of every Writ, when demanded, One Shilling.
- Serving an Attachment againſt the Eſtate of an abſconding or abſent Debtor, ſo much as the Judge who iſſues the Warrant ſhall certify to be reaſonable.

Provided, That no Sheriff ſhall be allowed any Fee for the Service or Execution of any Writ or Proceſs, unleſs the ſame ſhall be returned, ſo as that the Return thereof may be entered in the Term in which the ſame ſhall be returnable (Fees for executing a Writ of Poſſeſſion only excepted.)

Courts of Common Pleas, Seſſions, and Mayor's Courts.
Cryer's Fees.

The Cryer's Fees in the Courts of Common Pleas, Seſſions, and Mayor's Courts.

For
- Calling every Action, Nine-pence.
- Calling a Jury, One Shilling.
- Calling and ſwearing a Witneſs, Six-pence.
- Ringing the Bell for every Action, Nine-pence.
- Calling a Defendant, Six-pence.
- Calling a Plaintiff on a Nonſuit, Six-pence.
- Making Proclamation for the Diſcharge of any Perſon, Six-pence.
- Calling any Perſon on Recognizance, Six-pence.

Juror's Fees.

The Juror's Fees in the Courts of Seſſions, Common Pleas and Mayor's Courts.

For
- Every Juror ſworn in each Action, One Shilling.
- Every Juror attending a View, Four Shillings per Day.

Coroner's Fees.

The Coroner's Fees.

For
- The View of each Body, Thirty Shillings. *Provided*, That in *Richmond* County the Coroner's Fees ſhall be no more than Twenty Shillings.
- Serving Writs in all Caſes, the like Fees as are herein before allowed to the Sheriff, for the like Service.

And the Fees of the Coroner for taking Inqueſts in each County, ſhall be certified by at leaſt two of the Superviſors, and paid by the Treaſurer of the County; and in the City of *New-York*, the ſame ſhall be paid in the ſame Manner as the other contingent Charges in the ſaid City are directed to be paid.

The

The Conſtables Fees, where they are entitled to Fees, and ſuch Fees are not otherwiſe aſcertained by Law.

Conſtables Fees.

For
- Serving a Warrant, One Shilling and Six-pence.
- Serving a Summons, One Shilling.
- Mileage for every Mile going only, Six-pence.
- Levying a Fine or Penalty to the Amount of Twenty Shillings or under, One Shilling; and on all Sums above Twenty Shilling at the Rate of One Shilling in the Pound.
- Taking a Defendant in Cuſtody on a Mittimus, One Shilling.
- Conveying a Priſoner to Gaol, One Shilling, if within One Mile; and for every Mile more going only, Six-pence.

Fees in the Court of Admiralty.

Court of Admiralty.

To the Judge.

Judges Fees.

For
- The Seal to Proceſs, Four Shillings.
- The Seal to Exemplifications, Ten Shillings.
- Every Sentence, Thirty Shillings.
- Taking an Affidavit, One Shilling.
- Taking every Stipulation, Four Shillings.
- Swearing a Defendant or Witneſs, and Certificate thereof, Two Shillings.
- Taxing every Bill of Coſts, Ten Shillings.

The Advocates Fees.

Advocates Fees.

For
- Retaining Fee, Thirty Shillings.
- Every Motion made with Effect, Five Shillings.
- Attendance at every Court, when any Thing is neceſſary to be done there in the Cauſe, Five Shillings.
- Arguing on the final Hearing, where a Cauſe is litigated and a full Defence is made, but in no other Caſe, Forty Shillings.
- Peruſing, examining and ſigning a Libel, Anſwer, Plea, Demurrer, or any other ſpecial Pleadings, Interrogatories or Exceptions, when the Advocate is not the Proctor in the Cauſe, Ten Shillings.
- Arguing on any ſpecial Motion, Ten Shillings.
- Arguing every Plea, Demurrer or Exceptions, Twenty Shillings.

And no Fees to be taxed for more than one Advocate in the ſame Cauſe.

Fees of the Proctors in the Court of Admiralty.

Proctors Fees.

For
- Retaining Fee, Thirty Shiilings; but when the ſame Perſon acts both as Advocate and Proctor, no retaining Fee ſhall be allowed as Proctor.
- Drawing every Libel or Information, Anſwer, Replication, or other Pleading or Exceptions, One Shilling and Six-pence for each Sheet containing Ninety Words; and for Copies, Nine-pence for each Sheet as aforeſaid.
- Every Motion made with Effect, when he acts as Advocate, Five Shillings.
- Attendance at every Court, when any Thing is done in the Cauſe, Five Shillings; but no Perſon ſhall be allowed for Attendance both as Proctor and Advocate in the ſame Cauſe at the ſame Court.
- Drawing Interrogatories, One Shilling and Six-pence for each Sheet containing Ninety Words; and for a Copy thereof, Nine-pence for each as aforeſaid; but if any one Set of Interrogatories ſhall exceed thirteen Sheets, no more than Twenty Shillings ſhall be allowed for drawing the ſame; and no more than Ten Shillings for a Copy thereof.

Every

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For
- Every Notice, Copy and Service, Three Shillings.
- Abbreviating Pleadings, Depoſitions and Exhibits, Three-pence for each Sheet containing Ninety Words.
- Arguing on a final Hearing when the Proctor is not the Advocate in the Cauſe, Fifteen Shillings.
- Copy of a Bill of Coſts for the oppoſite Party, when neceſſary to be taxed, Three Shillings.
- Attending Taxation of Coſts, Four Shillings.
- Arguing any Demurrer or Exceptions, when the Proctor is not the Advocate in the Cauſe, Ten Shillings.

Regiſter's Fees.

Fees of the Regiſter in the Court of Admiralty.

For
- Drawing every Stipulation, Proceſs, Monition, or Subpœna, One Shilling and Six-pence for each Sheet containing Ninety Words; and Nine-pence for engroſſing each Sheet.
- Entering the Return of Proceſs, One Shilling and Six-pence.
- Filing every Libel, Claim, Pleading or other Paper, One Shilling.
- Reading each Pleading, Depoſition and Exhibit on Hearing, One Shilling.
- Copies of the Pleadings, Interrogatories, Depoſitions and Exhibits, when required, Nine-pence for each Sheet of Ninety Words.
- Entering each Proclamation, One Shilling and Six-pence.
- Entering each Default, One Shilling.
- Entering every Motion of the Plaintiff or Defendant, One Shilling.
- Entering every Rule of Court, One Shilling and Six-pence.
- Examining each Witneſs, and drawing his Depoſition, One Shilling and Six-pence for each Sheet containing Ninety Words.
- Certifying each Exhibit or Writing ſhewn to a Witneſs at his Examination, Two Shillings.
- Drawing every Decree or decretal Order, One Shilling and Six-pence for each Sheet containing Ninety Words; and for entering the ſame in the Minutes, Nine-pence for each Sheet as aforeſaid.
- Drawing a Record or making a Draft of Apoſtles, One Shilling and Six-pence for each Sheet containing Ninety Words; but no Pleading, Depoſition, Exhibit or other Writing to be inſerted therein *verbatim*, or in *hæc verba*, ſhall be computed as any Part of ſuch Draft.
- Entering a Record in the Regiſter, or engroſſing or copying Apoſtles or Records to be ſealed or exemplified, Nine-pence for each Sheet of Ninety Words, including all the Pleadings, Depoſitions, Exhibits and Writings inſerted therein.
- Every Certificate, One Shilling and Six-pence.
- Entering Return of Appraiſement or Sales, Nine-pence for each Sheet of Ninety Words.
- Drawing Commiſſion to examine Witneſſes, One Shilling and Six-pence for each Sheet containing Ninety Words; and for engroſſing the ſame, if on Parchment, One Shilling, including the Parchment; and if on Paper, Nine-pence for each Sheet of Ninety Words.
- All Money depoſited in Court, Three-pence in the Pound.

Marſhal's Fees.

The Marſhal's Fees in the Court of Admiralty.

For
- Summoning every Witneſs or Appraiſor, One Shilling.
- Giving Notice of holding the Court to each Proctor or Advocate, One Shilling.
- Swearing each Witneſs in Court, Six-pence.
- Making each Proclamation, One Shilling.
- Serving every Capias, Attachment or Summons, Twelve Shillings.

Travelling

For
- Travelling each Mile, going only, either to ſerve Proceſs or ſubpœna Witneſſes, One Shilling.
- Cuſtody Fees of a Veſſel, Ten Shillings per Day.
- Sales, Six-pence per Pound for any Sum under *Two Hundred Pounds*; and for any larger Sum, Three-pence per Pound.

Fees of the Court of Probates.

Court of Probates.

For
- Adminiſtring an Oath, One Shilling.
- Drawing the Proof of a Will or Codicil, One Shilling and Six-pence for each Sheet containing One Hundred and Twenty-eight Words.
- The Probate of a Will and the Letters Teſtamentary thereon, or Letters of Adminiſtration, One Shilling and Six-pence for each Sheet of One Hundred and Twenty-eight Words.
- Affixing the Seal to the ſame, Six Shillings.
- Drawing and Copy of Bond on granting Letters of Adminiſtration, Four Shillings.
- Recording Wills, Codicils, and the Proof thereof, and Letters Teſtamentary, and Letters of Adminiſtration, One Shilling and Six-pence for each Sheet containing One Hundred and Twenty-eight Words.
- Entering and filing a Caveat, One Shilling and Six-pence.
- A Citation to Witneſſes, or for any other Purpoſes, including the Seal, Six Shillings.
- Taking, and entering and filing a Renunciation, Three Shillings.
- Filing an Inventory, One Shilling.
- Searching the Records in his Office for any one Year, One Shilling; and for every other Year in which ſuch Search is made, Six-pence.
- Filing a Petition, One Shilling.
- Making and entering every Order, Six Shillings.
- Taking Depoſitions, One Shilling and Six-pence for each Sheet containing One Hundred and Twenty-eight Words.
- Copies of all Records, Depoſitions or other Pleadings, when required, One Shilling for each Sheet of One Hundred and Twenty-eight Words.
- Every Decree or Sentence in Suits for Legacies or Diſtribution, Thirty Shillings.
- An Execution, Ten Shillings.
- Hearing and determining where a Will or Adminiſtration is conteſted, or upon Appeal, Twenty Shillings.
- The Seal to Exemplifications, Six Shillings.

The Fees of the Surrogates.

Surrogate's Fees.

For
- Adminiſtring an Oath, One Shilling.
- Drawing the Proof of a Will or Codicil, One Shilling and Six-pence for each Sheet containing One Hundred and Twenty-eight Words.
- The Probate of a Will, and Letters Teſtamentary thereon, or Letters of Adminiſtration, One Shilling and Six-pence for each Sheet containing One Hundred and Twenty-eight Words.
- The Seal to the ſame, Six Shillings.
- The Bond upon granting Letters of Adminiſtration, Four Shillings.
- Recording Wills, Codicils, and the Proof thereof, and Letters Teſtamentary, and Letters of Adminiſtration, One Shilling and Six-pence for each Sheet of One Hundred and Twenty-eight Words.
- Entering and filing a Caveat, One Shilling and Six-pence.
- A Citation for Witneſſes, or any other Purpoſe, including the Seal, Six Shillings.
- Taking, entering and filing a Renunciation, Three Shillings.
- Filing an Inventory, One Shilling.
- Searching the Records in his Office for any one Year, One Shilling; and for every other Year in which ſuch Search is made, Six-pence.

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For
- Taking Depoſitions, One Shilling and Six-pence for each Sheet containing One Hundred and Twenty-eight Words.
- Copies of Records or Depoſitions, when required, One Shilling for each Sheet containing One Hundred and Twenty-eight Words.
- Hearing and determining where a Will or Adminiſtration is conteſted, Twenty Shillings.
- The Seal to Exemplifications, Six Shillings.

Witneſſes Fees.

Witneſſes Fees in the ſeveral Courts, and the Charges of ſummoning them.

For
- Each Witneſs attending in his own County, Two Shillings per Day.
- Attending from a foreign County, and coming and returning, Four Shillings and Six-pence per Day.
- The Judge of the Court of Probates, the Secretary of the State, or any Clerk or Surrogate, attending on Subpœna, with Wills, Records or other written Evidence, Ten Shillings per Day.
- Every Surveyor for going to and returning from a View, and for going to, attending at and returning from the Trial, Ten Shillings per Day; and for his actual Service on the View, Twenty Shillings per Day.
- For ſerving a Subpœna on each Witneſs, One Shilling.

Secretary's Fees.

The Secretary's Fees.

For
- A Commiſſion for the Chancellor, Chief Juſtice, or other Juſtice of the Supreme Court, Twenty-four Shillings.
- A Commiſſion for a Mayor, Twenty-four Shillings.
- A Commiſſion for a Sheriff, Twenty-four Shillings.
- A Commiſſion for the firſt Judge of the Court of Common Pleas, Twelve Shillings; and for every other Judge of ſuch Court, Eight Shillings.
- A Commiſſion for a Recorder, Sixteen Shillings.
- A Commiſſion for a Coroner, Six Shillings.
- A Commiſſion for a Clerk of a County, Twenty-four Shillings.
- A Commiſſion for a General Officer in the Militia, Sixteen Shillings.
- A Field Officer, Twelve Shillings.
- A Captain, Five Shillings.
- A Subaltern, Three Shillings.
- A Commiſſion for any other Office, being an Office of Profit, Eight Shillings; but no Fees ſhall be exacted or demanded for Commiſſions to Juſtices of the Peace, unleſs when a ſpecial or additional Commiſſion is iſſued; in ſuch Caſe each Perſon named therein ſhall pay Ten Shillings for the ſame.
- Entering a Caveat, One Shilling.
- Searching the Records in his Office for any one Year, One Shilling; and for every other Year in which ſuch Search is made, Six-pence.
- Recording Deeds, One Shilling and Six-pence for each Sheet containing One Hundred and Twenty-eight Words.
- Copies of Records, One Shilling for each Sheet containing One Hundred and Twenty-eight Words.

No Fee to be taken for adminiſtring Oaths to the Members of the Legiſlature; nor more than 2s. to any other Officer.

II. *And be it further Enacted by the Authority aforeſaid*, That no Perſon empowered to adminiſter Oaths, ſhall demand or take any Fee for adminiſtring the Oath of Allegiance, or Oaths of Office, to the Members of the Legiſlature, nor more than *Two Shillings* for adminiſtring ſuch Oaths to any other Officer.

III. AND

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Chancery Decrees not to be enrolled.

But Clerks to deliver the Pleadings in each Cauſe to the Regiſter, who is to annex them together, and draw up the Decree without reciting the Pleading, and when ſigned annex it to the Pleadings.

III. AND *whereas* the enrolling of Decrees and Diſmiſſions in the Court of Chancery, in the Manner now uſed, is a heavy and uſeleſs Expence to the Parties; Therefore, *Be it further Enacted by the Authority aforeſaid*, That it ſhall not be neceſſary to enroll any Decree or Diſmiſſion hereafter to be made or given in the ſaid Court of Chancery; but that in all ſuch Caſes the Clerks of the ſaid Court ſhall immediately after any Decree or Diſmiſſion is pronounced, deliver the Bill, and Anſwer, or Anſwers, and other Pleadings, if there be any in ſuch Cauſe, to the Regiſter of the ſaid Court, who ſhall annex them together, and file the ſame in his Office; and the Regiſter ſhall thereupon draw up and engroſs on Parchment, the Decree or Diſmiſſion in the ſame Cauſe, with ſuch Reports and decretal Orders as may have been made therein, but without any Recital of the Bill, Anſwer or Pleadings; and ſhall annex the ſame, after it is ſigned by himſelf and the Chancellor, to the ſaid Bill, Anſwer and Pleadings in the ſame Cauſe, which ſhall be of the ſame Force and Effect, to all Intents and Purpoſes, as if ſuch Decree or Diſmiſſion had been enrolled in the Manner heretofore uſed.

Perſons acting in two Capacities, not to have Fees in both for the ſame Services.

IV. *And be it further Enacted by the Authority aforeſaid*, That whenever the ſame Perſon ſhall act as Attorney and Counſel, or as Solicitor and Counſel, or as Proctor and Advocate in the ſame Cauſe, he ſhall not be entitled for the ſame Service to Fees, both as Counſel and Attorney, or as Counſel and Solicitor, or as Advocate and Proctor; but ſhall be allowed the Fees of Counſel only in the Courts of Common Law and Chancery, and of Advocate in the Court of Admiralty, for the particular Service done as Counſel or Advocate; and the Fees of an Attorney, Solicitor or Proctor only, for the particular Service done as Attorney, Solicitor or Proctor; and ſhall not in any ſuch Caſe be allowed any Fees for attending upon or conſulting with Counſel or Advocate, or for any Copies of Papers, Pleadings or Records, for Counſel or Advocate.

How two or more Perſons bound by Bond, or Recognizance, may be ſued.

V. *And be it further Enacted by the Authority aforeſaid*, That where two or more Perſons are or ſhall be bound in one Bond or Recognizance, jointly and ſeverally, or ſeverally only, it ſhall be lawful in every ſuch Caſe to join all the Obligors in ſuch Bond or Recognizance or any Part of them, in one Action, and to proſecute the ſame to Judgment and Execution againſt the Defendants in ſuch Action, and againſt their joint or ſeparate Property; and afterwards, if the whole Amount due upon ſuch Bond or Recognizance, ſhall not be levied upon ſuch firſt Suit or Judgment, to bring a further Action or Actions againſt the Reſidue of the ſaid Obligors, or any or either of them, jointly or ſeverally, at the Option of the Plaintiff or Plaintiffs, and the ſame to proſecute to Judgment and Execution, againſt the ſaid Reſidue of the ſaid Obligors, or any or either of them, and againſt their joint or ſeparate Property; any Law, Uſage or Cuſtom to the Contrary thereof in any wiſe notwithſtanding: But the Plaintiff or Plaintiffs ſhall not cauſe to be levied, in the whole, more than the Amount of the Debt and Damages due to him, her or them, with the Coſts of Suit; and if ſeparate Writs ſhall be iſſued againſt ſuch Obligors, or any of them, the Plaintiff or Plaintiffs ſhall be at Liberty in any Stage of the Suits, to conſolidate them into one Suit; and ſhall in no Caſe, when two or more Suits are depending at the ſame Time, upon the ſame Bond or Recognizance, or on any Promiſſory Note or Bill of Exchange, have more than one Taxation of Coſts; and where the Defendants reſide in different Counties, and Writs are iſſued in ſeveral Counties, the Coſts on each Writ ſhall be taxed together, and in the ſame Bill, with the Reſidue of the Coſts.

VI. *And*

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Every Man may be his own Lawyer.

VI. *And be it further Enacted by the Authority aforeſaid*, That it may be lawful for all and every Perſon and Perſons to ſue, proſecute, carry on and defend his, her or their Suit or Action, by him, her or themſelves, in Perſon, in any Court of Juſtice in this State, without the Aid of any Attorney, Solicitor, Proctor, Advocate or Counſellor at Law.

Penalty for taking greater Fees than allowed by this Act.

VII. *And be it further Enacted by the Authority aforeſaid*, That if any Perſon ſhall knowingly or wilfully exact or compel any Perſon to pay for any of the Services aforeſaid, any other or greater Fee, Sum of Money or Reward, than is herein before allowed for the ſame, every ſuch Perſon, upon Conviction thereof, either at the Suit of the Party grieved, or upon Information or Indictment, ſhall pay to the Party grieved treble Damages, and ſuch Fine to the People of the State of *New-York*, as the Court in which ſuch Conviction ſhall be had, ſhall think proper to impoſe; and ſhall alſo, if an Officer, forfeit and loſe his Office.

† 8*th Seſſ. Ch.* 71.

‡ 10*th Seſſ. Ch.* 38.

Former Acts regulating Fees repealed.

VIII. *And be it further Enacted by the Authority aforeſaid*, That the Act, entitled, † *An Act for regulating the Fees of the ſeveral Officers and Miniſters of the Courts of Juſtice within this State;* and the ſeventeenth Section of the Act, entitled, ‡ *An Act for ſettling Inteſtates Eſtates, proving Wills and granting Adminiſtrations*, paſſed the twentieth of *February*, One Thouſand Seven Hundred and Eighty-ſeven, ſhall be, and hereby are repealed, from and after the firſt Day of *June* next, except as to Services performed before that Day, and after the paſſing of the ſaid Acts reſpectively.

CHAP. XXVI.

An ACT *to remove Doubts reſpecting the Charter granted to the Members of the* New-York Society Library.

Paſſed 18th February, 1789.

Preamble.

WHEREAS the Operation of the Charter granted to the Members of the *New-York Society Library*, incorporating them by the Name of, *The Truſtees of the New-York Society Library*, bearing Date the ninth Day of *November*, in the Year of our Lord One Thouſand Seven Hundred and Seventy-two, was ſuſpended during the War lately waged by the King of *Great-Britain*, againſt the *United States of America;* in order, therefore, to remove Doubts reſpecting the ſaid Corporation,

Charter confirmed.

Be it Enacted by the People of the State of New-York, *repreſented in Senate and Aſſembly, and it is hereby Enacted by the Authority of the ſame*, That the ſaid Charter, and all and ſingular the Eſtates, Rights, Powers, Authorities, Liberties, Privileges, Franchiſes and Immunities thereby granted, and which the ſaid Corporation and the Members thereof did, or might lawfully hold, exerciſe and enjoy, on the nineteenth Day of *April*, in the Year One Thouſand Seven Hundred and Seventy-five, by Virtue of the ſaid Charter, ſhall be, continue and enure in full Force, Virtue and Efficacy, to all Intents, Conſtructions and Purpoſes in the Law whatſoever, notwithſtanding any Non-uſer or Miſ-uſer thereof, or any Part thereof, between the eighteenth Day of *April*, in the Year One Thouſand Seven Hundred and Seventy-five, and the Day of the paſſing of this Act; and that the Members of the ſaid Corporation, and their legal Repreſentatives under the ſaid Charter, and each of them ſhall have, hold and enjoy, and be fully able and capable in the Law to exerciſe all and ſingular the Rights, Powers and Authorities to them belonging by Virtue or in Conſequence of the ſaid Charter, although the yearly Sums which ought to have been paid by them, or any of them, according to the ſaid Charter, may be in Arrear and unpaid; and all ſuch yearly Payments

Arrears of yearly Payments remitted.

and

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Trustees appointed.

and Sums as have become due and payable, and now remain in Arrear and unpaid, are hereby remitted to the Members of the said Corporation; and that *Robert R. Livingston*, *Henry Remsen*, *Robert Watts*, *Brockholst Livingston*, *Samuel Jones*, *Peter Ketteltas*, *Walter Rutherford*, *Matthew Clarkson*, *Samuel Bard*, *Hugh Gaine*, *Daniel C. Ver Planck* and *Edward Greswold*, shall be, and hereby are declared and appointed the present Trustees of the said Library and Corporation; and shall hold, possess and enjoy their said Offices until the last Tuesday in *April* now next ensuing, and until other fit Persons shall be elected and chosen in their Places according to the said Charter.

CHAP. XXVII.

An ACT *to enable* John Jay, *or the Persons claiming under him, to hold in Severalty the Lot of Land therein mentioned.*

Private.

Passed 18th February, 1789.

CHAP. XXVIII.

An ACT *for the further Amendment of the Law.*

Passed 20th February, 1789.

I. BE *it Enacted by the People of the State of* New-York, *represented in Senate and Assembly, and it is hereby Enacted by the Authority of the same*, That it shall and may be lawful for any Defendant or Tenant, in any Action or Suit, or for any Plaintiff in Replevin, in any Court of Record, with the Leave of the same Court, to plead as many several Matters as he shall think necessary for his Defence. *Provided nevertheless*, That if any such Matter shall, upon a Demurrer joined, be judged insufficient, Costs shall be thereupon given at the Discretion of the Court; or if a Verdict shall be found upon any Issue in the said Cause for the Plaintiff, or Demandant, Costs shall also be given in like Manner, unless the Judge who tried the said Issue shall certify, that the said Defendant or Tenant, or Plaintiff in Replevin, had a probable Cause to plead such Matter, which upon the said Issue shall be found against him; and that in all Cases where any Defendant or Tenant, in any Action or Suit, or any Plaintiff in Replevin now depending in any Court of Record, hath at any Time heretofore pleaded several Matters for his Defence, the same shall be as good and available, and the like Proceedings shall be thereupon had, as if this Act had been made before that Time, and was then in full Force.

Defendant or Tenant in any Action, or Plaintiff in Replevin, may with Leave of the Court, plead as many several Matters for his Defence, as he thinks proper.

If any such Matter upon Demurrer, is judged insufficient, Costs to be given thereon.

And if a Verdict upon any Issue is found for the Plaintiff, he shall recover Costs, unless the Judge certifies that there was a probable Cause for pleading such Matter.

II. *And be it further Enacted by the Authority aforesaid*, That it shall and may be lawful for any Defendant, or Tenant in any Action or Suit in any Court of Record, except in Cases of mutual Dealings, to plead the general Issue, and to give any special Matter in Evidence, which if pleaded, would be a Bar to such Action or Suit, giving Notice with the same Plea, of the Matter or several Matters so intended to be given in Evidence.

Defendants in any Suit, except in Cases of mutual Dealings, may plead the general Issue, and give any special Matter in Evidence, giving Notice thereof with his Plea.

III. *And be it further Enacted by the Authority aforesaid*, That all Issues joined, or hereafter to be joined in the Supreme Court, or in any other Court, and brought into the Supreme Court to be tried, and which are or may be triable by a Jury of any County in which the Supreme Court shall sit, may be tried either at the Circuit Court in such County, or at the Bar of the said Supreme Court, when the same Supreme Court shall sit in such County, without any Order of the same Supreme Court for that Purpose; any Law, Usage or Custom to the Contrary notwithstanding.

All Issues in the Supreme Court, triable by a Jury of the County where the Court sits, may be tried either at the Circuit or Supreme Court, without any Order for the Purpose.

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When material Witneſſes in any Action reſide out of the State, a Commiſſion, under the Seal of the Court, may iſſue to examine them.

IV. *And be it further Enacted by the Authority aforeſaid*, That if any material Witneſs or Witneſſes, in any Action or Suit now depending, or at any Time hereafter to be depending in any Court of Record in this State, ſhall not reſide in this State, it ſhall and may be lawful for the ſaid Court, on Affidavit or Proof being made thereof to the Satisfaction of the ſaid Court, and upon Motion made by either Party in open Court, and upon ſuch Terms as the ſaid Court ſhall think proper to award, and iſſue under the Seal of the ſame Court, a Commiſſion or Commiſſions, to ſuch Perſons as the ſame Court may think fit, authoriſing them, or any two or more of them, to examine ſuch Witneſs or Witneſſes on Oath, upon the Interrogatories annexed to ſuch Commiſſion, and to reduce ſuch Examinations into Writing, and to return the ſame annexed to the ſaid Commiſſion unto the ſaid Court with all convenient Speed; and the Name of every Witneſs to be examined by Virtue of any ſuch Commiſſion, ſhall be inſerted in the ſame Commiſſion, and the Interrogatories for the Examination of all and every ſuch Witneſs and Witneſſes, ſhall be drawn and ſigned by the Parties or their Counſel in the Cauſe in which the Teſtimony is to be uſed, or ſuch of them as ſhall requeſt ſuch Commiſſion, and be approved of by the ſame Court, or one of the Judges thereof, and ſhall be annexed to ſuch Commiſſion; and each Party ſhall be at Liberty, with the Approbation of ſuch Court or Judge, to inſert in ſuch Interrogatories, all ſuch Queſtions as he or they may deem proper and neceſſary. And the ſaid Commiſſioners ſo to be appointed in any ſuch Commiſſion, or any two or more of them, ſhall and may examine the Witneſſes named therein, or ſuch of them as they can meet with on Oath, and cauſe the Examination of each Witneſs to be reduced to Writing, and ſigned by the ſame Witneſs, and ſuch Commiſſioners ſhall then alſo ſign the ſame; and all ſuch Examinations, and all Exhibits produced to ſuch Commiſſioners, and proved by any ſuch Witneſs or Witneſſes, ſhall be annexed to the ſaid Commiſſion, and returned to the Court out of which ſuch Commiſſion iſſued, cloſed up and under the Seals of two or more of the ſaid Commiſſioners; and if it is not convenient for either of the ſaid Commiſſioners to carry the ſame to one of the Judges of the ſaid Court, then one of the ſaid Commiſſioners ſhall deliver the ſame to the Agent of the Party on whoſe Behalf ſuch Witneſſes ſhall be examined; and ſuch Agent, or in Caſe of his Death, the Perſon into whoſe Hands the ſame ſhall come, ſhall deliver the ſame to one of the Judges of the ſaid Court, and make Oath or Affidavit before the ſame Judge, that he received the ſame from the Hands of one of the Commiſſioners, (or if ſuch Agent be dead, then ſuch Affidavit ſhall ſet forth in what Manner the ſame came into the Hands of the Perſon who ſhall ſo deliver the ſame) and that the ſame has not been opened or altered ſince he ſo received it; and ſuch Judge ſhall then open the ſame, and endorſe upon the Commiſſion, as the Caſe may be, either received by the Hands of one of the Commiſſioners, or upon the Oath of the Perſon who delivers the ſame, as appears by his Affidavit, and ſubſcribe his Name to the ſame Indorſement, and ſhall then depoſit the ſaid Commiſſion, and Return, with the ſaid Affidavit, in the Office of the Clerk of the ſaid Court, there to remain as a Record; and every ſuch Depoſition, being ſo taken and returned, ſhall be allowed and read, and ſhall be deemed as good and competent Evidence in the Cauſe in which it ſhall be taken, as if ſuch Witneſs had been preſent, and ſworn and examined *viva voce*, in open Court on the Trial of ſuch Cauſe; any Law, Uſage or Cuſtom to the Contrary notwithſtanding: And all Parties concerned, ſhall be entitled to take Copies of ſuch Depoſitions, at their own Coſts and Charges, as ſoon as the ſame ſhall be depoſited in the Clerk's Office as aforeſaid. And in Caſe any ſuch Commiſſion ſhall not be returned within ſuch reaſonable Time, as the ſaid Court ſhall from Time to Time allow for that Purpoſe, then the ſaid Court may proceed as if no ſuch Commiſſion had been awarded or iſſued.

Names of Witneſſes to be inſerted in the Commiſſion, and Interrogatories to be drawn and ſigned by the Parties, or their Counſel, and approved by the Court, and annexed to the Commiſſion.

Each Party, with the Approbation of the Court, may inſert all ſuch Queſtions as he deems neceſſary.

How ſuch Commiſſioners ſhall proceed in their Examination and Return of the Commiſſion.

Affidavit to be made on Return of Commiſſion.

Judge to endorſe the Commiſſion, and file it in the Clerk's Office.

Depoſitions ſo taken and returned, ſhall be allowed as Evidence.

All Parties concerned, allowed to take Copies thereof.

If Commiſſion is not returned in reaſonable Time, Court to proceed as if none had iſſued.

V. *And*

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V. *And be it further Enacted by the Authority aforesaid*, That in every Suit now depending, or that may hereafter be depending, in any Court of Common Pleas or Mayor's Court within this State, the said Court shall be, and hereby is authorised and empowered to issue Process of Subpœna, requiring the Attendance of any Witness or Witnesses who may reside in any Part of this State, to testify on the Trial of the said Cause, or on the Execution of any Writ or Writs of Enquiry to be executed therein, although such Witness or Witnesses shall not be within the Jurisdiction of the said Court, when served with the said Subpœna. *And further*, That every Witness who may be duly served with such Subpœna, shall be, and hereby is required to attend at the Time and Place therein mentioned, under the like Penalties, and shall be liable to the same Action or Actions, which he or she would have incurred or have been liable to for such Refusal or Neglect, if he or she had been within the Jurisdiction of the said Court at the Time of the Service of such Subpœna.

Courts of Common Pleas and Mayor's Courts may issue Subpœna, although the Witness does not reside within their Jurisdiction;

And the Witness, on Refusal, liable to an Action as though he had been within their Jurisdiction.

VI. *And be it further Enacted by the Authority aforesaid*, That in all Actions and Suits now depending, or hereafter to be brought in any Court of Common Pleas or Mayor's Court, where the Demand of the Plaintiff or the Accounts between the Parties exceed *Eighty Pounds*, if by Reason of Payments or Discount the Plaintiff shall recover less than *Ten Pounds*, exclusive of Costs, then, and in every such Case, the Plaintiff shall recover his Costs of Suit to be taxed; any Law, Usage or Custom to the Contrary notwithstanding.

Where the Plaintiff, when the Demand exceeds *Eighty Pounds*, shall recover his Costs, although he recovers less than *Ten Pounds*, exclusive of Costs.

CHAP. XXIX.

An ACT *directing the Treasurer of this State to cancel certain Bills of Credit and Certificates therein mentioned, and for the further Direction of the Loan-Officers.*

Passed 20th February, 1789.

I. BE *it Enacted by the People of the State of* New-York, *represented in Senate and Assembly, and it is hereby Enacted by the Authority of the same*, That the Signers of the Bills of Credit, emitted by Virtue of an Act, entitled, † *An* Act *to take out of Circulation the Bills of Credit emitted by Law, and to emit others as a Substitute*, passed the 8th Day of *February*, 1788, or any three of them, shall meet at the Treasury of this State, as soon as convenient, and when so met as aforesaid, the Treasurer shall deliver unto the said Signers, the Sum of *Six Thousand Pounds* of the Bills of Credit emitted by Virtue of the before recited Act, being so much more than sufficient to exchange the Money emitted by a former Law; as also, all the Loan-Office Money that is or shall come into the Treasury, emitted by former Laws of the late Colony; as also, all the Money that is or shall come into the Treasury, emitted by Virtue of Resolutions of the Provincial Congress and Convention of this State; as also, all the Money that is or may come into the Treasury by Virtue of an Act, entitled, ‡ *An* Act *for emitting Money upon the Credit of this State*, passed the 27th Day of *March*, 1781, together with a List of the several Denominations of the said Bills; and having examined and compared the said Bills with such List, shall destroy the said Bills, and shall certify that they have destroyed the Bills mentioned and designated in such List; which List so certified, shall be delivered to the said Treasurer, and a Copy thereof so signed, shall be kept by the said Signers, or one of them, to be by him or them delivered to the Legislature when thereunto required.

† *11th Sess. Ch.* 30. Signers of Bills of Credit emitted by a Law of the 8th *Febr.* 1788, to meet at the Treasury, and destroy *Six Thousand Pounds* of the said Bills,

And all the Loan-Office Money emitted by the late Colony, and several other Descriptions of Money.

‡ *4th Sess. Ch.* 46.

II. *And be it further Enacted by the Authority aforesaid*, That it shall and may be lawful for the Treasurer of this State, to deliver unto the said Signers, in Manner before directed, all such Certificates as are or may be in the Treasury, and belonging to this State, and which were issued in Pursuance of the Fifty-first

Treasurer to deliver to said Signers certain Certificates, to be also destroyed by them.

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‡ *9th Seſſ. Ch.* 40.

firſt and ſubſequent Sections of the Act, entitled, ‡ *An* Act *for emitting the Sum of* Two Hundred Thouſand Pounds *in Bills of Credit, for the Purpoſes therein mentioned,* paſſed the 18th Day of *April*, 1786; Certificates for the Pay of the Militia and Levies; Certificates iſſued for Claims on forfeited Eſtates, and Certificates for Money borrowed, in Purſuance of Reſolutions of the Convention and Committee of Safety of this State; and all other Certificates iſſued by the Treaſurer of this State, making a true Liſt of all ſuch Certificates; which Liſt ſhall contain the Amount and Date of every ſuch Certificate, and the Number and Value thereof; and the ſaid Signers having examined and compared the ſaid Certificates with ſuch Liſts, ſhall deſtroy the ſaid Certificates, and ſhall certify that they have deſtroyed the Certificates mentioned and deſignated in ſuch Liſt; which Liſt ſo certified, ſhall be delivered to the ſaid Treaſurer, and a Copy thereof ſo ſigned, ſhall be kept by the ſaid Signers, or one of them, to be by him or them delivered to the Legiſlature when thereunto required.

Signers allowed *Sixteen Shillings* per Day for their Services in deſtroying ſuch Bills.

III. *And be it further Enacted by the Authority aforeſaid*, That the ſaid Signers ſhall be entitled to receive for each Day they ſhall be ſo employed in examining and deſtroying the ſaid Bills of Credit, and Securities, the Sum of *Sixteen Shillings*; which the Treaſurer is hereby directed to pay out of any unappropriated Money in the Treaſury.

If the Principal of any Money loaned by the State be paid, it ſhall not be re-loaned, but be paid to the Treaſurer, and diſpoſed of as the Intereſt Money.

IV. *And be it further Enacted by the Authority aforeſaid*, That in Caſe the whole or any Part of the Principal borrowed by any Perſon from any Loan-Office in this State, ſhall at any Time be paid, or come into any ſuch Loan-Office, no Part thereof ſhall be re-loaned, but the ſame ſhall be paid to the Treaſurer of this State, together with the Money received in ſuch Loan-Office for Intereſt, and ſhall be diſpoſed of in the ſame Manner as the ſaid Intereſt.

CHAP. XXX.

Private.

An ACT *for the Relief of* Henry Fraats, *the Elder.*

Paſſed 24th February, 1789.

CHAP. XXXI.

An ACT *relative to Highways and Bridges in the Towns therein mentioned.*

Paſſed 24th February, 1789.

Preamble.

WHEREAS the Town of *Clermont* is bounded for a conſiderable Extent upon the River commonly called, *Roeloff Janſen's Kill*, which requires many and expenſive Bridges: *And whereas* no Proviſion is made for building and keeping in Repair ſuch Bridges, where the Town of *Clermont* joins the Town of *Livingſton*; Therefore,

Twenty-fourth Section of an Act relative to Highways, extended to Bridges built, and a Bridge & Cauſeway to be built, over *Roeloff Janſen's Kill*, in the Towns of *Livingſton* and *Clermont*.

‖ *7th Seſſ. Ch.* 52.

I. *Be it Enacted by the People of the State of* New-York, *repreſented in Senate and Aſſembly, and it is hereby Enacted by the Authority of the ſame*, That the Twenty-fourth Section of the Act, entitled, ‖ *An* Act *for the better laying out, regulating and keeping in Repair, all common and public Highways and private Roads in the Counties of* Ulſter, Orange, Dutcheſs, Waſhington, Weſtcheſter, Albany *and* Montgomery, be extended to Bridges now built, and alſo to one other Bridge and Cauſeway to be built at the moſt convenient Place near where the ſaid *Roeloff Janſen's Kill* or *Creek* empties into *Hudſon's River*; which Bridges ſhall be erected and maintained at the Expence of the Towns of *Livingſton* and *Clermont*, in the Manner that certain Bridges therein mentioned, are by the ſaid Section directed to be maintained by the Towns of *Goſhen* and *Cornwall*.

II. *And*

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II. *And be it further Enacted by the Authority aforeſaid,* That the Twenty-eighth Section of the ſaid above recited Act, be extended to all Caſes of Roads hereafter to be laid out through the ſaid Towns.

Commiſſioners of Highways for *Warwick* and *Miniſink*, to cauſe two certain Bridges and Cauſeways to be made.

III. *And be it further Enacted by the Authority aforeſaid,* That the Commiſſioners of the Highways for the Time being, for the Towns of *Warwick* and *Miniſink*, in the County of *Orange*, ſhall be empowered, and are hereby directed and required to cauſe the two following Bridges and Cauſeways to be well and ſufficiently made and kept in Repair; *to wit*, One Bridge and Cauſeway acroſs *Warwick* Creek, near *Shoemaker*'s Mill; the other Bridge and Cauſeway acroſs *Rutger*'s Kill or Creek, near *John Ferguſon*'s Mill, and below the ſame, or where the old Bridge below the Mill formerly ſtood, as ſhall appear to the ſaid Commiſſioners, to be moſt convenient for the Accommodation of the Inhabitants and Travellers; and the Account and Expences attending the ſaid two Bridges and Cauſeways, ſhall be raiſed and paid in like Manner, by the Towns of *Cornwall*, *Goſhen*, *Warwick* and *Miniſink*, as the public Bridges and Cauſeways, particularly mentioned in the Twenty-fourth Section of the before mentioned Act, are by Law directed to be raiſed and paid in the Precincts of *Cornwall* and *Goſhen*; any Law to the Contrary notwithſtanding.

Expences of ſaid Bridges how to be paid.

Any Perſon cutting down a Tree, ſo as to obſtruct *Wood-Creek*, in any Part between *Fort-Ann* and the Falls in the Townſhip of *White-Hall*, in *Waſhington* County, to forfeit 40*s*.

IV. *And be it further Enacted by the Authority aforeſaid,* That if any Perſon or Perſons, in the Townſhip of *White-Hall* or *Weſtfield*, in the County of *Waſhington*, ſhall hereafter cut down any Tree or Trees, by which the Creek, commonly called and known by the Name of *Wood Creek*, ſhall be in any Manner obſtructed, in any Part thereof between *Fort-Ann* and the Falls in the Townſhip of *White-Hall*, ſuch Perſon or Perſons ſhall forfeit and pay, for every ſuch Tree ſo cut down as aforeſaid, the Sum of *Forty Shillings*, the one Half for the Uſe of the Complainant, and the other Half for the Uſe of the Poor of the Town where the Offence ſhall be committed; to be recovered before any one or more of the Juſtices of the Peace in the ſaid County of *Waſhington*, by any Perſon or Perſons who ſhall ſue for the ſame.

CHAP. XXXII.

An ACT *for the Sale and Diſpoſition of Lands belonging to the People of this State.*

Paſſed 25th February, 1789.

Surveyor-General to lay out twenty Townſhips on the Eaſtern Side of the Lands lately purchaſed from the Indians.

I. BE *it Enacted by the People of the State of* New-York, *repreſented in Senate and Aſſembly, and it is hereby Enacted by the Authority of the ſame,* That the Surveyor-General of this State for the Time being, ſhall and may, as ſoon as conveniently may be after the paſſing of this Act, cauſe Twenty Townſhips to be laid out and actually ſurveyed, upon the Eaſtern Side of the Lands purchaſed from the Indians, at the late Treaty held with them, on the Part of this State, between the Lands reſerved at the ſaid Treaty by the *Oneida* Nation, and the Lands purchaſed from the Indians, at the Treaty, held in the Year One Thouſand Seven Hundred and Eighty-five; each of which Townſhips ſhall be Five Hundred Chains ſquare, or as nearly ſo as Circumſtances will admit; and upon running the Out-Lines thereof, the Surveyor-General ſhall cauſe a Mark or Monument to be made or erected at the Ends of the ſaid Out-Lines, and at the Termination of every fifty Chains between the ſame, where local Circumſtances will admit the ſaid Out-Lines to be ſtraight; and after the Out-Lines of the ſaid Townſhips reſpectively have been ſo ſurveyed as aforeſaid, the Surveyor-General ſhall cauſe a Line to be run parallel to any of the ſtraight Lines of each Townſhip, the whole Extent thereof, and another Line at right Angles to ſuch parallel Line, the whole Extent of ſuch

Each Townſhip to be Five Hundred Chains ſquare:

Monuments to be made at the Ends of the Lines, and at the End of every fifty Chains.

And after running the Out Lines, to run and mark other Lines, ſo as to divide each Townſhip into Quarters.

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Townſhip, ſo as to divide each Townſhip into four equal Parts, as nearly as may be, and as nearly ſquare as may be; which Lines ſhall be likewiſe marked in Manner aforeſaid; and ſhall forthwith make a Map or Maps of the ſaid Townſhips, and upon ſuch Map or Maps ſhall divide each of the ſaid Townſhips into Lots containing Two Hundred and Fifty Acres of Land, or as nearly ſo as Circumſtances will admit, by Lines to be drawn through the ſaid Marks or Monuments parallel and at right Angles to the ſtraight Sides of the ſaid Townſhips; and ſhall number the Lots in each Townſhip ſucceſſively, with the Numbers from One to One Hundred, including both Numbers; a Copy of which Map or Maps, together with a Copy of his Field-Book, containing a Deſcription of the Quality of the Soil, Timber, and Creeks along ſuch Lines as ſhall be run as aforeſaid, ſhall be by him filed without Delay, in the Office of the Secretary of this State, and another Copy of the ſame preſerved in the Office of the ſaid Surveyor-General, for public Inſpection.

To make a Map of each Townſhip, and thereon to divide the ſame into Lots of 250 Acres;

One Copy of which Map, with a Copy of his Field-Book, to be filed in the Secretary's Office, and another Copy of the ſame preſerved in his Office.

II. *And be it further Enacted by the Authority aforeſaid*, That in every Townſhip ſo laid out, or to be laid out as aforeſaid, the Surveyor-General ſhall mark one Lot on the Map, *Goſpel*, and one other Lot, *Schools*; which Lots ſhall be as nearly central in every Townſhip as may be; and the Lots ſo marked ſhall not be ſold; but the Lots ſo marked, *Goſpel*, ſhall be reſerved for, and applied to ſupporting the Goſpel in ſuch Townſhip, and the Lot marked, *Schools*, for the Uſe of Schools in ſuch Townſhip.

One Lot in each Townſhip to be marked on ſaid Map *Goſpel*, and another *Schools*, and to be applied for ſuch Uſes.

III. *And be it further Enacted by the Authority aforeſaid*, That upon the filing of the ſaid Maps as aforeſaid, the Commiſſioners of the Land-Office and the ſaid Surveyor-General, ſhall ſelect and deſignate five of the ſaid Townſhips, to be ſold only for Gold, Silver, or Bills of Credit emitted by Virtue of the Act, entitled, ‡ *An* Act *to take out of Circulation the Bills of Credit emitted by Law, and to emit others as a Subſtitute*, paſſed the eighth Day of *February*, One Thouſand Seven Hundred and Eighty-eight; and the ſaid Commiſſioners ſhall thereupon affix to each of the ſaid Townſhips to be laid out by Virtue of this Act, ſuch and ſo great a Price per Acre, as they ſhall judge reaſonable: *Provided*, That the ſame ſhall not be leſs than *Three Shillings* for each Acre of Land in the ſaid Townſhips.

When ſuch Maps are filed, Commiſſioners of the Land-Office and the Surveyor-General to ſelect five Townſhips, to be ſold for Caſh only; and the ſaid Commiſſioners ſhall then affix a Price per Acre, not leſs than *Three Shillings*, to each Townſhip.

‡ 11*th Seſſ. Ch.* 30.

IV. *And be it further Enacted by the Authority aforeſaid*, That as ſoon as the Commiſſioners of the Land-Office ſhall have ſo as aforeſaid determined the Price of the Land in each of the Townſhips to be laid out by Virtue of this Act, they ſhall cauſe ſuch Townſhips reſpectively, with the Price of the Land in the ſame, to be advertiſed by the Surveyor-General, in at leaſt three of the public News-Papers in this State, one whereof to be printed by the Printer to the State (if any ſuch there be), one to be printed in the City of *New-York*, and one in the City of *Albany*; and in and by the ſaid Advertiſements, ſhall cauſe public Notice to be given, that Applications for the ſaid Lands reſpectively, will be received at the Office of the ſaid Surveyor-General, at any Time previous to a certain Day therein to be mentioned, and to be preſcribed by the ſaid Commiſſioners; which Day ſhall not be leſs than two, nor more than three Calendar Months from the Time of the firſt Publication of the ſaid Advertiſements reſpectively; and the ſaid Advertiſements ſhall reſpectively be continued in the ſaid Papers, at leaſt once a Week, until the ſaid Days therein to be mentioned, ſhall reſpectively be paſſed.

Commiſſioners of the Land-Office to cauſe the Townſhips, together with the Price, to be advertiſed by the Surveyor-General;

And give Notice in ſuch Advertiſement, that Applications for the Lands will be received at his Office, at any Time previous to a certain Day therein to be mentioned.

V. *And be it further Enacted by the Authority aforeſaid*, That the Surveyor-General ſhall, and it is hereby made his Duty to receive and regiſter, in a Book to be by him for that Purpoſe kept, and without Fee or Reward, all Applications that ſhall be made in Writing, in Conſequence of this Act, for the

Surveyor-General to receive and regiſter all Applications in a Book.

the ſaid Townſhips, or any of the Lots therein contained, in ſuch Manner that the Names of all Applicants for each reſpective Lot in the ſaid Townſhips, ſhall be reſpectively placed together in the ſaid Book, and may (if the Number of Applicants will admit thereof) be ſeen at one View.

If there is only one Applicant for any Lot he ſhall be entitled to a Grant for it;

But if there ſhould be more than one Applicant for any Lots, the Surveyor-General is to ſet up ſuch Lots at Vendue to the Applicants; and the higheſt Bidder for any Lot above the Price affixed ſhall be entitled to a Grant.

VI. *And be it further Enacted by the Authority aforeſaid*, That if at the Day to be appointed in ſuch Advertiſements reſpectively, there ſhall appear to have been only one Applicant for any of the Lots contained in the ſaid Townſhips reſpectively, then, and in ſuch Caſe, ſuch Applicant ſhall be entitled to a Grant of the Lot or Lots for which he applied as aforeſaid; but if more than one Application ſhall have been made for any of the ſaid Lots, then, and in every ſuch Caſe, the Surveyor-General ſhall and may, on the Day next after the Day mentioned in ſuch Advertiſements reſpectively, and within ſo many Days thereafter, as may be neceſſary for that Purpoſe, ſet up ſuch Lots, and every of them ſeparately at Vendue or Auction, to the Applicants for the ſame reſpectively; and ſuch of the ſaid Applicants as ſhall bid the Higheſt for the ſaid Lots reſpectively, above the Price affixed as aforeſaid by the Commiſſioners of the Land-Office, ſhall be entitled to a Grant of the ſaid reſpective Lots, at the Price which they ſhall reſpectively bid for the ſame; and if it ſhould ſo happen, that at ſuch Vendue, none of the ſaid Applicants will bid more than the ſaid affixed Price, then, and in ſuch Caſe, the Surveyor-General ſhall determine by drawing of Lots, to which of them the Lot they applied for, ſhall belong at the affixed Price; and in Caſe all the Lots in any of the ſaid Townſhips ſhall not be applied for in the Manner herein before directed, then, and as ſoon as all the Lots which ſhall have been ſo applied for, ſhall be diſpoſed of in Manner aforeſaid, the Surveyor-General ſhall, for the Space of two Days thereafter, receive Applications for any Lot or Lots remaining unſold, and proceed in the Diſpoſal thereof in like Manner as if the ſame had been applied for previous to the Day ſo to be preſcribed as aforeſaid.

If none of the Applicants bid more than the affixed Price, the Surveyor General to determine, by Lot, which of them ſhall have the Grant at the affixed Price.

If all the Lots are not applied for, the Surveyor General ſhall receive Applications for them for two Days after the others are diſpoſed of.

Any Lots not applied for, or having been applied for, and not paid for as this Law directs, to be again advertiſed, and the like Proceedings as aforeſaid had thereon from Time to Time, until the whole are diſpoſed of.

VII. *And be it further Enacted by the Authority aforeſaid*, That if it ſhall happen, that any of the Lots in the ſaid Townſhips reſpectively, ſhall remain without any Application having been made for them in Manner aforeſaid; or if any of the Perſons entitled to Grants of Lots as aforeſaid, ſhall neglect or refuſe to pay for the ſame in the Manner herein after directed, then, and in every ſuch Caſe, the Commiſſioners of the Land-Office are hereby authoriſed to cauſe the ſaid Lots reſpectively, to be again advertiſed in the Manner herein before preſcribed; and thereupon Applications for the ſame ſhall be received, and the like Proceedings had for the Diſpoſal and Sale thereof, as are herein before directed; and the ſame may be, from Time to Time, repeated, until the whole of the ſaid Lots are diſpoſed of as aforeſaid.

Commiſſioners empowered to lower the Prices when they find they have fixed them too high.

But not lower than *Three Shillings* per Acre.

VIII. *And be it further Enacted by the Authority aforeſaid*, That if it ſhall appear to the Commiſſioners of the Land-Office, at any Time or Times hereafter, that the Prices fixed by them for the ſaid Townſhips reſpectively, cannot be gotten for all the Lots contained in any Townſhip, then, and in every ſuch Caſe, and whenever Part of the Lots contained in any ſuch Townſhip ſhall have been previouſly ſold as aforeſaid, the ſaid Commiſſioners may affix a lower Price for the ſame Lots remaining unſold reſpectively; provided the ſame be not leſs than *Three Shillings* per Acre, and ſhall and may thereupon cauſe the ſame Lots ſo remaining unſold, to be advertiſed of anew, and ſuch other Proceedings to be had for the Sale and Diſpoſal thereof, as are particularly mentioned and preſcribed in and by the fifth Section of this Act.

IX. *And*

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Every Perſon becoming entitled to a Grant to pay his Proportion of the Expence of Survey immediately, and at leaſt one Quarter of the purchaſe Money;

And if not paid within 48 Hours, to forfeit 5l. to the State for each Lot.

IX. *And be it further Enacted by the Authority aforeſaid*, That every Perſon becoming entitled to a Grant of Land in the Manner preſcribed by this Act, ſhall immediately thereafter pay unto the Surveyor-General, ſuch Sum of Money as will defray the Proportion chargeable upon the ſame, of the Expence accrued by ſurveying the Lines of the Townſhip or Townſhips in which ſuch Land is ſituated, which are herein before directed to be run (each Lot being hereby declared to be equally chargeable with ſuch Expence); and ſhall alſo, at the ſame Time, pay unto the ſaid Surveyor-General, not leſs than one-fourth Part of the Purchaſe Money; and if ſuch Perſon ſhall neglect or refuſe to make the ſaid Payments, or either of them, within Forty-eight Hours after he or ſhe ſhall appear entitled to ſuch Grant, he or ſhe ſhall forfeit to the People of this State, the Sum of *Five Pounds*, for each Lot to which he or ſhe ſhall become entitled as aforeſaid; to be recovered, with Coſts of Suit, by the Surveyor-General for the Time being, in his own Name, by Action of Debt, in any Court having Cognizance thereof; but if ſuch Perſon ſhall pay the ſame as aforeſaid, then the Surveyor-General ſhall give unto ſuch Purchaſer, a Deſcription of the Lot or Lots, to which ſuch Purchaſer is entitled; and ſhall endorſe on the ſaid Certificate, the Sum by him received on Account of the Purchaſe Money, and the Sum ſtill due, if any, on ſuch Purchaſe, including in one Certificate, all the Lands which one Perſon becomes entitled to in one Townſhip, and no more; and if the Perſon becoming entitled to any Grant of Land as aforeſaid, by Virtue of this Act, ſhall not, within ſix Months after the Date of the ſaid Certificate, pay the Sum certified to be ſtill due, into the Treaſury of this State, or unto the Surveyor-General, the Money ſo as aforeſaid paid by every ſuch Delinquent to the Surveyor-General, ſhall be forfeited to the People of this State; and ſuch Delinquent ſhall loſe all Right to the Land ſpecified in ſuch Certificate; but if the Sum ſo remaining due, ſhall be paid to the Treaſurer, or to the Surveyor-General, within the Time above limited, the Treaſurer, or the Surveyor-General, as the Caſe may be, ſhall endorſe a Receipt for the ſame upon the ſaid Certificate, and thereupon the ſaid Purchaſer ſhall be entitled to Letters Patent for the Land deſcribed in ſuch Certificate; provided, that ſuch Forfeiture ſhall not exceed one quarter Part of the Purchaſe Money.

But on Payment thereof, the Surveyor-General to give a Deſcription of the Lot, and endorſe the Sum received and the Sum ſtill due, if any.

If the Reſidue of Purchaſe Money is not paid in ſix Months, the firſt Payment, together with all Right to the Lands, to be forfeited;

But if paid within that Time, Purchaſer entitled to a Grant.

Such Forfeiture not to exceed one Fourth of the Purchaſe Money.

For all Expences of Survey, and the five Townſhips, Specie or Bills of Credit only to be received in Payment,

And for the other fifteen Townſhips, Specie, Bills of Credit or public Securities, iſſued by the Treaſurer or Auditor of this State, or the Auditors appointed to ſettle the Accounts of the Troops, to be received in Payment.

X. *And be it further Enacted by the Authority aforeſaid*, That for all Expences of Survey, chargeable as aforeſaid, and for the five Townſhips which ſhall be ſo as aforeſaid ſelected and deſignated, purſuant to the ſecond Section of this Act, only Gold and Silver, and the Bills of Credit in the ſaid Section mentioned, ſhall be receivable in Payment; and that for the Land contained in the fifteen other Townſhips, to be ſurveyed and ſold in Purſuance of this Act, Gold and Silver, the Bills of Credit aforeſaid, and any public Securities, iſſued by the Treaſurer or Auditor of this State, or by the Auditors appointed to liquidate and ſettle the Accounts of the Troops of this State, in the Service of the United States, ſhall be received in Payment, both at the Treaſury, and by the Surveyor-General. *Provided always*, That no Intereſt ſhall be computed upon any of the ſaid public Securities, after the Times of the ſaid Purchaſes reſpectively.

Commiſſioners of the Land Office when to direct Letters Patent to iſſue, and how.

Form of the Letters Patent.

XI. *And be it further Enacted by the Authority aforeſaid*, That the Commiſſioners of the Land-Office ſhall and may, from Time to Time, upon the Production to them of ſuch Certificate as aforeſaid, from the Surveyor-General, with the Treaſurer's Receipt thereon, direct Letters Patent to be iſſued for granting the Lands deſcribed in ſuch Certificate, to the Purchaſer thereof, or the Heirs of ſuch Purchaſer, or any Perſon or Perſons whom ſuch Purchaſer, or the Heirs of ſuch Purchaſer, may appoint; which Letters Patent ſhall reſpectively be in ſuch Form and Words, as the ſaid Commiſſioners ſhall direct;

direct; and ſhall contain an Exception and Reſervation of all Gold and Silver Mines, and ſhall convey the Lands ſpecified in ſuch Certificates reſpectively, to the Grantee, his Heirs and Aſſigns.

As many Lots to be included in one Patent as the Purchaſers may think proper.

Fees allowed to the Commiſſioners and Secretary on each Patent.

XII. *And be it further Enacted by the Authority aforeſaid*, That all the Lands purchaſed in one Townſhip, ſhall be included in one Patent, or any greater Number of Patents, as the Purchaſer or Purchaſers may think proper; and that upon every Patent to be iſſued by Virtue of this Act, the following Fees, and no more, ſhall be due from and payable by the Perſons in whoſe Favour the ſame ſhall iſſue; *That is to ſay:* To the Commiſſioners of the Land-Office jointly, excluſive of the Secretary, to be divided among them, as to the Majority ſhall ſeem proper, for a Townſhip the Sum of *Three Pounds;* for Half a Townſhip, or any Quantity of Land more than Half a Townſhip, and leſs than a whole Townſhip, the Sum of *Two Pounds;* and the Sum of *One Pound* for every Quantity leſs than Half a Townſhip, except where only a ſingle Lot is granted, when they ſhall receive *Eight Shillings*, and no more; and to the Secretary for preparing the Letters Patent, recording the ſame, and keeping the Minutes of the ſaid Commiſſioners, the like Fees as are herein before allowed to the Commiſſioners of the Land-Office.

Number of Perſons to be employed by the Surveyor General on the Survey, and their Allowance.

‡ *9th Seſſ. Ch.* 67.

Land exempted from Taxation for a certain Time.

XIII. *And be it further Enacted by the Authority aforeſaid*, That the ſame Number of Perſons may be employed by the Surveyor-General, and the like Allowances made to them for completing the Surveys directed by this Act to be made, as are mentioned and preſcribed in and by the Thirtieth enacting Clauſe of the Act, entitled, ‡ *An Act for the ſpeedy Sale of the unappropriated Lands within this State, and for other Purpoſes therein mentioned.* And further, that the Lands to be granted by Virtue of this Act, ſhall be exempt from Taxes for the like Term, and in like Manner, as they would have been if granted by Virtue of the Act laſt mentioned.

Commiſſioners inhibited from ſelling any Lands by Virtue of the Act for the ſpeedy Sale of the unappropriated Lands, until further Proviſion.

XIV. *And be it further Enacted by the Authority aforeſaid*, That the Commiſſioners of the Land-Office ſhall be, and they are hereby inhibited from ſelling any Lands by Virtue of the ſaid laſt mentioned Act, until the Legiſlature ſhall make Proviſion for the ſame, except as to the unappropriated Land which ſhall remain, of the Purchaſe made by the People of this State from the *Oneida* Indians, in the Year One Thouſand Seven Hundred and Eighty-five, after making up any Deficiencies which Purchaſers may have ſuſtained by the Lines of the Towns interfering, if any ſuch there be.

Patents to iſſue to *Peter Penet*, *John Francis Perache*, and *John I. Bleecker*, for certain Lands reſerved for or agreed to be given them by the late Indian Treaty.

And to *John I. Bleecker* for another Tract as a further Compenſation for his Services.

XV. *And be it further Enacted by the Authority aforeſaid*, That it ſhall be lawful for the Commiſſioners of the Land-Office for the Time being, and they are hereby required to direct Letters Patent under the Great Seal of this State, to be made, granting to *Peter Penet*, *John Francis Perache*, and *John I. Bleecker* reſpectively, and their reſpective Heirs, the Lands reſerved for, or agreed to be given to them reſpectively, by the laſt Treaty made with the *Oneida* Indians, by the Commiſſioners appointed for holding Treaties with the Indians within this State: And as a further Compenſation on the Part of this State, for the faithful Services of the ſaid *John I. Bleecker*, the ſaid Commiſſioners are hereby empowered to direct Letters Patent to be granted to the ſaid *John I. Bleecker*, and his Heirs, for a Tract of Land contained within the Bounds following, *to wit:* Beginning at the North-eaſt Corner of the Tract of Land, granted to *James Deane;* thence Weſterly along the North Bounds thereof, one Mile; thence with a Line perpendicular to the ſaid North Bounds, one Mile; thence Eaſterly with a Line parallel to the ſaid North Bounds, one Mile; thence to the Place of Beginning.

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Patents to iſſue to *John T. Kirkland*, *George W. Kirkland*, and *Samuel Kirkland*, for three Tracts of Land.

XVI. *And be it further Enacted by the Authority aforeſaid*, That it ſhall be lawful for the Commiſſioners of the Land-Office for the Time being; and they are hereby required to direct Letters Patent under the Great Seal of this State to be made, granting to *John T. Kirkland*, and his Heirs, a Tract of Land of one ſquare Mile, and to *George W. Kirkland*, and his Heirs, a Tract of Land of one Mile ſquare, and to *Samuel Kirkland*, and his Heirs, a Tract of Land of two ſquare Miles; the whole to be contiguous, and laid out by the Surveyor-General, ſo as to form a Square of two Miles, and to be bounded on the Line of Property, and adjoining the Southern Bounds of the Land heretofore granted to *Abraham Wemple*: And further, to direct a Grant to the ſaid *Samuel Kirkland*, for all that Tract of Land bounded as follows, *to wit*: Beginning at the South-weſt Corner of the Land granted to *James Deane*, and running thence Southerly to the South-weſt Corner of the Tract ſtipulated to be granted to the ſaid *John*, *George* and *Samuel Kirkland*; thence with a Line perpendicular to the Weſt Bounds thereof, to the Line of the *Oneida* Reſervation; thence Northerly along the ſame to the Place of Beginning.

And to *Samuel Kirkland* for another Tract.

Surveyor-General to lay out for the *New-England* Indians, a Tract of Land formerly given them by the *Oneida* Indians, to remain for their Cultivation.

XVII. *And be it further Enacted by the Authority aforeſaid*, That the Surveyor-General ſhall lay out for the *New-England* Indians, all that Part of the Tract of Land formerly given to them by the *Oneida* Indians, which is included in the Ceſſion lately made by the *Oneida* Indians to the People of this State; and laying Southward of the Lands herein before directed to be granted to *Samuel Kirkland*, *John T. Kirkland*, and *George W. Kirkland*; which Tract of Land, ſo laid out, ſhall be called *Brother-Town*, and ſhall remain for the Cultivation, Improvement and Uſe of the ſaid *New-England* Indians and their Brethren, conſiſting of the Tribes called the *Mohegan*, *Montauge*, *Stonington* and *Narraganſet* Indians, and the *Pequots* of *Groton*, and *Nehanticks* of *Farmington*, and their Poſterity; but without any Power of Alienation or Right of leaſing the ſame Lands, or any Part thereof, for any longer Term than *ten* Years; and without any Power of granting ſuch Leaſes, where there ſhall be any ſubſiſting Leaſe, including the ſame Lands. And that the Tract of Land confirmed by the *Onieda* Indians to the *Stockbridge* Indians at the ſaid Treaty, ſhall be and remain to the ſaid *Stockbridge* Indians, and their Poſterity, under the Reſtrictions and Limitations aforeſaid.

But without the Power of Alienation.

The Land confirmed by the *Oneida* to the *Stockbridge* Indians, to remain to them under the aforeſaid Reſtrictions.

Commiſſioners to direct Surveyor-General to lay out 25,000 Acres in the Tract lately ceded by the *Oneida* Indians to this State, to be diſpoſed of for making Roads.

XVIII. *And be it further Enacted by the Authority aforeſaid*, That it ſhall and may be lawful to and for the Commiſſioners of the Land-Office in their Diſcretion, to direct the Surveyor-General to ſurvey and lay out, at the Expence of the People of this State, one or more Tracts of Land, in the Tract lately ceded by the *Oneida* Indians to the People of this State, not to contain in the whole, more than *Twenty-five* Thouſand Acres. *And further*, That the ſaid Lands ſhall be granted to ſuch Perſon or Perſons, as the ſaid Commiſſioners ſhall contract with, well and ſufficiently to make any Road or Roads, or any Part of any Road or Roads, in or towards any Part of the Lands now belonging to the People of this State; or to make and erect any Bridge or Bridges, upon any Road or Roads, in or towards ſuch Land as the ſaid Commiſſioners in their Diſcretion may direct to be laid out or erected; which Lands ſhall be granted in ſuch Proportions as the ſaid Commiſſioners ſhall for that Purpoſe contract for and direct; and that the ſaid Commiſſioners, before Letters Patent ſhall be iſſued for ſuch Lands, ſhall direct the Surveyor-General to examine the ſaid Roads and Bridges; and if the ſaid Surveyor-General ſhall report that ſuch Roads and Bridges are well and ſufficiently made, then Letters Patent ſhall iſſue to the Perſons who ſhall have made the ſame, for ſuch Part thereof, and in ſuch Proportions, as the ſaid Commiſſioners ſhall have agreed to grant the ſame for making the ſaid Roads or Bridges.

XIX. *And*

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Commiſſioners to direct Surveyor-General to lay out 25,000 Acres between the River *St. Lawrence* and Lake *Champlain*, to be diſpoſed of for making Roads.

XIX. *And be it further Enacted by the Authority aforeſaid*, That it ſhall and may be lawful to and for the Commiſſioners of the Land-Office, in their Diſcretion to direct the Surveyor-General to ſurvey and lay out, one or more Tracts of Land between the River *St. Lawrence* and *Lake Champlain*, to contain in the whole, not more than Twenty-five Thouſand Acres, and to divide the ſame at the Expence of the State; ſuch Lands to be granted, in the Manner, and under the like Proviſions contained in the laſt preceding Clauſe, to ſuch Perſons who ſhall well and ſufficiently make ſuch Roads, in that Part of the State lying between the River *St. Lawrence*, *Lake George* and *Lake Champlain*, as the ſaid Commiſſioners may think proper to direct.

CHAP. XXXIII.

An ACT *ſecuring to* James Rumſey, *the ſole Right and Advantage of making and employing, for a limited Time, the ſeveral mechanical Improvements by him lately invented.*

Paſſed 26th February, 1789.

Preamble.

WHEREAS *James Rumſey*, of *Berkley* County in *Virginia*, hath repreſented to the Legiſlature of this State, that he hath invented or improved divers Engines and Machines, upon Principles and Conſtructions not heretofore known or uſed; *That is to ſay*, A new and eaſy Method of generating Steam in large Quantities, for the Purpoſe of working Engines, by forcing a ſmall Quantity of Water through one or more incurvated Tubes, placed in a Furnace; which Tube or Tubes, is diſtinguiſhed by the Name of a *Pipe Boiler*; a new and eaſy Method of raiſing Water in great Quantities, to any Height that may be neceſſary for any mechanical or other uſeful Purpoſe, by Means of Steam acting upon and moving two Piſtons at the ſame Time, whereby the Weight of one or more Atmoſpheres may be applied for raiſing Water in one Trunk or Tube; which Improvement the ſaid *James Rumſey* hath diſtinguiſhed by the Name of a *Pump Piſton Machine*; a new Improvement upon Doctor *Barker*'s Mill, a Mode by which Mill-Stones and other Machinery requiring a circular Motion, may be turned by, or worked with a ſmaller Quantity of Water than by any Plan yet exhibited to the Public, and entirely free from the Difficulties which prevented Doctor *Barker*'s Invention from coming into uſe; a new and eaſy Mode of working Mill-Saws or any other Machinery requiring alternately an oppoſite Motion, by applying the whole Weight or Force of the Water uſed alternately to a Piſton moving in a Cylinder, which Improvement is diſtinguiſhed by the ſaid *James Rumſey* by the Name of a *Cylindric Saw Mill*; a new Mode of raiſing Water by Means of Steam acting upon a Piſton floating on the Surface of the Water, in a Trunk or Cylinder, whereby Water may be driven or forced up another Trunk or Tube, to any Height not exceeding Thirty-three Feet, and by repeating the Machinery, may be raiſed from thence to any other Height. *And whereas* the ſaid *James Rumſey* hath prayed that an Act may paſs granting to him, his Executors, Adminiſtrators and Aſſigns, the ſole and excluſive Right of making and uſing, or permitting others to make and uſe the above recited Engines and mechanical Improvements, for a certain limited Time; wherefore, to encourage every uſeful Improvement and Diſcovery, and as a Reward for his Ingenuity,

James Rumſey to lodge Models of certain Machines, invented or improved by him, in the Secretary's Office.

I. *Be it Enacted by the People of the State of* New-York, *repreſented in Senate and Aſſembly, and it is hereby Enacted by the Authority of the ſame*, That the ſaid *James Rumſey*, in his own proper Perſon, or by his certain Attorney, ſhall, within *nine* Months after the paſſing of this Act, lodge in the Secretary's Office of this State, ſuch Specimens, Draughts, or Models, of the above recited Machines, and Inventions, as ſhall clearly and fully diſtinguiſh and aſcertain their Form, and the Principles upon which they operate.

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After which he is entitled to the ſole Right of making and uſing the ſame, for 14 Years.

II. *And be it further Enacted by the Authority aforeſaid*, That as ſoon as the ſaid *James Rumſey*, by himſelf or his certain Attorney, ſhall lodge ſuch Draughts, Specimens or Models in the Secretary's Office, in ſuch Manner, and within ſuch Time as is herein before directed, that then the ſaid *James Rumſey*, his Executors, Adminiſtrators and Aſſigns, ſhall be, and they are hereby veſted with the ſole and excluſive Right of making and uſing, or granting to others, the Right of making and uſing, the above recited Engines, Machines and mechanical Improvements, for and during the full End and Term of *fourteen* Years, from and after the End of the preſent Seſſion of the Legiſlature, in any Place within this State.

Any Perſon making or uſing ſaid Machines without the Authority of ſaid *Rumſey*, to forfeit to him 100l.

III. *And be it further Enacted by the Authority aforeſaid*, That if any Perſon or Perſons whomſoever, without being properly authoriſed by him the ſaid *James Rumſey*, his Executors or Adminiſtrators, ſhall make, uſe or employ, any of the herein before recited Engines, Machines or mechanical Improvements, conſtructed upon the Principles herein before mentioned, every Perſon or Perſons ſo offending againſt the true Intent and Meaning of this Act, for each and every ſuch Offence, ſhall forfeit and pay unto the ſaid *James Rumſey*, his Executors or Adminiſtrators, or to ſuch other Perſon or Perſons as he the ſaid *James Rumſey*, his Executors, Adminiſtrators or Aſſigns ſhall authoriſe and empower for that Purpoſe, the Sum of *One Hundred Pounds;* to be recovered by Action of Debt, in any Court of Record within this State, wherein the ſame may be cognizable, with Coſts of Suit.

This Act not to prevent the making or uſing any Machines conſtructed on any other Principles.

IV. *And be it further Enacted by the Authority aforeſaid*, That neither this Act, nor any Thing therein contained, ſhall be taken, deemed or conſtrued, to prohibit or prevent any Perſon or Perſons from making, uſing and conſtructing any Engines, Machines or mechanical Improvements, heretofore invented, or hereafter to be invented, which may be conſtructed on any other Principles than thoſe herein before recited.

CHAP. XXXIV.

An ACT *to prolong the Time for collecting the Arrears of Taxes, heretofore made receivable in public Securities, and to direct the Apportionment of Loſſes ſuſtained on Monies loaned by the People of this State, in the Counties of* Albany *and* Columbia.

Paſſed 27th February, 1789.

Preamble. ‡ 11*th Seſſ. Ch.* 77.

WHEREAS ſeveral Circumſtances have contributed to prevent the due Execution of the Act, entitled, ‡ *An* Act *for the more effectual Collection of the Arrears of Taxes, heretofore made receivable in public Securities;* paſſed the fifteenth Day of *March*, One Thouſand Seven Hundred and Eighty-eight, within the Time limited for its Operation: Therefore,

The Time for collecting Arrears of Taxes receivable in public Securities prolonged.

I. *Be it Enacted by the People of the State of* New-York, *repreſented in Senate and Aſſembly, and it is hereby Enacted by the Authority of the ſame*, That it ſhall and may be lawful to and for the ſeveral Perſons who were Collectors in the ſaid Act deſcribed, and they are hereby reſpectively required, to deliver to the Treaſurer of the County in which ſuch Town is included, on or before the firſt Tueſday of *June* next, the ſeveral Tax-Liſts in the ſaid Act mentioned and deſcribed. That the Superviſors of the ſeveral Counties, in which Arrears of Taxes receivable in public Securities have accrued, ſhall meet together in their reſpective Counties on or before the ſecond Tueſday of *July* next, and ſhall do and perform the ſeveral Duties enjoined on them in and by the ſaid Act. That the ſeveral Collectors in the ſaid Act mentioned, ſhall pay the Arrears by them to be collected to the Treaſurer of the County in which

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which ſuch Arrears ſhall have been collected on or before the firſt Tueſday of *January* next, and that the County Treaſurers reſpectively, ſhall pay the ſame to the Treaſurer of this State, on or before the third Tueſday of *January* next.

Like Duties as were required by former Act to be performed, and the ſame Penalties for Neglect, to continue in full Force in this Act.

II. *And be it further Enacted by the Authority aforeſaid*, That all and every the Duties enjoined on the ſeveral Officers mentioned in the ſaid Act, ſhall be reſpectively performed by them, and they ſhall be reſpectively ſubject to the like Penalties, for neglecting or refuſing to perform any of thoſe Duties, as they would have reſpectively incurred for the like Neglect or Refuſal to perform any of the like Duties, in Purſuance of the Act aforeſaid; and that the ſaid Act, entitled, *An* Act *for the more effectual Collection of the Arrears of Taxes, heretofore made receivable in public Securities*, ſhall, to every other Intent and Purpoſe, be, continue and remain in full Force and Effect; and that ſuch Arrears ſhall be collected in the ſeveral Towns on which they were impoſed, without Regard to any ſubſequent Diviſions made of ſuch Towns, or any Alterations of the Bounds thereof.

Arrears in *Columbia*, formerly Part of *Albany*, how to be collected.

III. *And be it further Enacted by the Authority aforeſaid*, That the Arrears aforeſaid, due from the Towns in that Part of the then County of *Albany*, erected into the County of *Columbia*, ſhall be collected in like Manner as if the ſaid County of *Columbia* had been a diſtinct and ſeparate County, at the Time the ſaid Arrears accrued; and that the County Treaſurer, Superviſors and Collectors of the ſaid County of *Columbia*, ſhall perform the like Duties, and be ſubject to the ſame Penalties, as the like Officers are directed to perform and are ſubject to in the other Counties aforeſaid.

Tax-Liſts of Towns in *Columbia*, and Account of Arrears, to be delivered to Treaſurer of *Columbia*, and the Securities paid by *Columbia* into the Treaſury, to be credited to *Albany*.

IV. *And be it further Enacted by the Authority aforeſaid*, That the Treaſurer of the County of *Albany* ſhall and may deliver ſuch of the Tax-Liſts of the Towns aforeſaid, compoſing the County of *Columbia*, as may be in his Hands, together with an Account of the Arrears of the reſpective Towns in the ſaid County of *Columbia*, to the Treaſurer of the ſaid County; and that the public Securities to be paid to the Treaſurer of this State, by the Treaſurer of the County of *Columbia*, in Purſuance of this Act, ſhall be paſſed to the Credit of the County of *Albany*.

All Loſſes ſuſtained, or to be ſuſtained on Monies loaned in the County of *Albany*, how to be apportioned between *Albany* and *Columbia*.
‡ *9th Seſſ. Ch.* 40.

V. *And be it further Enacted by the Authority aforeſaid*, That ſuch Loſſes which have already been ſuſtained, or may hereafter be ſuſtained by Deficiencies ariſing from the Monies which have been loaned in Purſuance of an Act, entitled, ‡ *An* Act *for emitting the Sum of* Two Hundred Thouſand Pounds *in Bills of Credit, for the Purpoſes therein mentioned*, in the County of *Albany*, while it included the County of *Columbia*, ſhall be apportioned and be borne to and by the ſaid Counties reſpectively, in Manner following; *That is to ſay*, All ſuch Deficiencies as may have ariſen or hereafter may ariſe by Means of any of the ſaid Monies loaned on Lands or Tenements mortgaged, ſituate in the County of *Columbia*, ſhall be borne by the ſaid County of *Columbia*, and the Remainder of the ſaid Deficiencies ſhall be borne by the County of *Albany*; and ſhall be apportioned, levied and paid in the Manner preſcribed in and by the ſaid laſt mentioned Act, in the ſaid Counties reſpectively.

Judges and Superviſors of *Albany* and *Columbia*, how to execute the Duties required of them by the Loan-Office Act.

VI. *And be it further Enacted by the Authority aforeſaid*, That the Judges of the Courts of Common Pleas, and the Superviſors of the Counties of *Albany* and *Columbia* collectively, ſhall execute and perform the Duties enjoined on them by the ſaid Act laſt mentioned, in like Manner as if the Diviſion of the ſaid County of *Albany* had never been made.

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CHAP. XXXV.

An ACT *to alter the Time and Place of eſtimating the Votes for Members of Aſſembly in the County of* Weſtcheſter.

Paſſed 27th February, 1789.

‡ 10*th Seſſ. Ch.* 15. Preamble.

WHEREAS the Proviſions of the Act, entitled, ‡ *An* Act *for regulating Elections*, have been found inconvenient, ſo far as they reſpect the Time and Place of canvaſſing and eſtimating the Votes for Members of Aſſembly in the County of *Weſtcheſter*; Therefore,

Supervisors of *Weſtcheſter* County, when and where to meet, to canvaſs the Votes for Members of Aſſembly.

Be it Enacted by the People of the State of New-York, *repreſented in Senate and Aſſembly, and it is hereby Enacted by the Authority of the ſame*, That the Supervisors of the ſaid County, or the major Part of them, ſhall meet together on the fourth Monday in *May*, in every Year, at the Place where the Court of Seſſions of the Peace is then to be holden in the ſaid County; and ſhall then and there proceed to do and execute all and ſingular the Duties enjoined on them, in and by the fourteenth Section of the Act for regulating Elections; any Thing in the ſaid Act contained to the Contrary in any wiſe notwithſtanding.

CHAP. XXXVI.

An ACT *for the Preſervation of Heath-Hens in the County of* Suffolk.

Paſſed 27th February, 1789.

Penalty for killing any Heath-Hen between 1ſt *April* and 20th *October*.

How to be recovered and applied.

I. BE *it Enacted by the People of the State of* New-York, *repreſented in Senate and Aſſembly, and it is hereby Enacted by the Authority of the ſame*, That if any Perſon or Perſons ſhall kill any Heath-Hen, within the County of *Suffolk*, between the firſt Day of *April* and the twentieth Day of *October*, in any Year after the paſſing of this Act, ſuch Perſon or Perſons ſhall, for every ſuch Offence, forfeit and pay the Sum of *Ten Shillings*, with Coſts of Suit, for every ſuch Heath-Hen ſo killed as aforeſaid; the one Half of ſuch Forfeiture ſhall be paid to him or her who ſhall ſue for the ſame before any Juſtice of the Peace of the County aforeſaid, who is hereby empowered and required to hear and determine the ſame, and to convict the Offender or Offenders, by the Oath of one or more credible Witneſs or Witneſſes; provided that ſuch Conviction be made within *three Months* after ſuch Offence ſhall be committed; and the other Half to the Overſeers of the Poor of the Town where the Offence ſhall be committed: And if any Heath-Hen, ſo killed, ſhall be found in the Poſſeſſion of any Perſon or Perſons, ſuch Perſon or Perſons ſhall be deemed guilty of the Offence aforeſaid, and ſuffer the Penalty aforeſaid.

All former Laws concerning Heath-Hens, repealed. 8*th Seſſ. Ch.* 31. *Sec.* 6.

II. *And be it further Enacted by the Authority aforeſaid*, That all former Acts and Laws of this State, concerning Heath-Hens, ſhall be, and are hereby repealed.

CHAP. XXXVII.

An ACT *to regulate the Rates of Ferriage, between the City of* New-York, *and the Iſland of* Naſſau.

Paſſed 28th February, 1789.

WHEREAS it is neceſſary to reviſe the Rates eſtabliſhed for Ferriage, between the City of *New-York* and the Iſland of *Naſſau*; Therefore,

I. *Be*

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The Rates of Ferriage between *New-York* & *Nassau* Island, to be as follows.

I. *Be it Enacted by the People of the State of* New-York, *represented in Senate and Assembly, and it is hereby Enacted by the Authority of the same*, That from and after the first Day of *May* next, the Rates or Prices for carrying or transporting Men, Women, Horses, Cattle, Grain, and all other Goods, Merchandise, Commodities and Things whatsoever, in the Ferry-Boats from the City of *New-York* to the Island of *Nassau*, or from the Island of *Nassau* to the said City of *New-York*, shall be and remain, and hereby are established as follows; *That is to say*,

The Rates.

Every Horse, Mare or Gelding, with or without a Saddle, Ten-pence.
Every Ox, One Shilling and Three-pence, and other neat Cattle, One Shilling each.
Every live Calf, Hog or Sheep, Three-pence, and for every Lamb, Two-pence.
Every Hundred Weight of Butter, Cheese, Hogs-Lard, Hams, Tallow or Bacon, Three-pence.
Every Hundred Weight of Bar-Iron, Nail-Rods, Nails, Steel, Shot, Painter's Colours, Lead, Pewter, Rice, Sugar, Copperas, Allum, Brimstone, Dyewood, or any other Kind of Grocery, commonly sold by the Hundred, Three-pence.
Every Hundred Weight of Copper, Brass or Iron hollow Ware, Six-pence.
Every Hundred Weight of Gun-Powder, Six-pence.
Every Hundred Weight of Beef in Quarters, Two-pence.
Every Hundred Weight of Beaver, Racoon Skins, or Coats, or other Furs, Four-pence.
Every Bushel of Salt, Wheat, Rye, Indian-Corn, Buck-Wheat, Flax-Seed, or any other Article of Grain, commonly sold by the Bushel, an Half-penny.
Every Bushel of Apples, Pears, Peaches, Potatoes, Turnips, Walnuts, green Beans and Peas, and every other Article sold by the Bushel, heap Measure, an Half-penny.
Every Hundred of Sheepshead, Shad or Bass, One Shilling.
For { Every Hundred Pearch, Three-pence.
Every Bag full of Flour, Meal or Bread, not exceeding two Bushels, One Penny.
Every Barrel of Wheat, Rye, or Indian Meal, Three-pence.
Every Barrel of Bread, Two-pence.
Every Hogshead or Pipe of Wine, Rum, Brandy or Molasses, containing One Hundred and Twenty Gallons, Three Shillings, and in that Proportion for Casks of a greater or less Size.
Every Barrel of Soap, Six-pence.
Every Hogshead of Cyder, One Shilling and Six-pence.
Every Barrel of Cyder, Six-pence.
Every Barrel of Beef or Pork, Six-pence.
Every empty Pipe or Hogshead, Six-pence.
Every empty tight Barrel, Two-pence.
Every empty Flour Cask, One-penny.
Every Turkey, Goose, Brandt or other wild or tame Fowl, One Farthing.
Every Dozen of small Birds, One Farthing.
Every Hundred Eggs, Two Eggs.
Every Coach, Six Shillings.
Every Phaeton, Four Shillings.
Every one Horse Chaise, Two Shillings and Six-pence.
Every riding Chair, One Shilling and Eight-pence.

Every

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Every Sulkey, One Shilling and Six-pence.
Every Waggon, Three Shillings.
Every double Sleigh, One Shilling and Six-pence.
Every ſingle Sleigh, One Shilling and Three-pence.
Every Pair of Cart Wheels, One Shilling.
Every Pair of Chair or Waggon Wheels, Six-pence.
Every Thouſand Three Feet Shingles, Four Shillings.
Every Thouſand Shingles from Twenty-four to Twenty-ſeven Inches in length, Two Shillings and Six-pence.
Every Thouſand Shingles from Eighteen to Twenty-two Inches in length, Two Shillings.
Every Thouſand Feet of Joice or Scantling, Two Shillings and Six-pence.
Every Board of one Inch thick, twelve Inches wide, and fourteen Feet in length, Three Farthings, and in that Proportion for Boards and Plank of different Lengths and Thickneſſes.
Every Hundred Lath for ſhingling, Two Shillings.
Every Thouſand of Cedar or Pine Lath, for cieling, One Shilling.
Every Cedar Bolt, One-penny.
Every Hundred Feet of Window Glaſs, Three-pence.
Every Tierce of Lime, One Shilling.
Every Buſhel of looſe Lime, Two-pence.
Every Thouſand of Brick, Two Shillings.
Every full Trunk or Cheſt, Nine-pence.
Every empty Trunk or Cheſt, Four-pence.
Every Caſe with full Bottles, Four-pence, and if empty, Two-pence.
Every Dozen Wool or Cotton Cards, Two-pence.
Every Dozen of Windſor or other ſitting Chairs, One Shilling.
Every Hundred Weight of Cotton or Sheep's Wool, Six-pence.
For Every Cupboard or Caſe of Drawers, Two Shillings.
Every Writing or other Deſk, One Shilling and Six-pence.
Every Dozen Scythes, Two-pence.
Every Corn Fan, One-penny.
Every Piece of Oznaburgs or Duck, Two-pence.
Every Piece of Blankets, Duffels, Coatings or Frize, Four-pence.
Every Piece of Broad-Cloth, Serge, Shrouds, Flannel, Half-thicks or Drugget, Two-pence.
Every Piece of Duroy, Callimancoes, Shalloon or Linen, One-penny.
Every Dozen of Mens or Boys Hats, One-penny.
Every Man or Woman's Saddle, One-penny.
Every Pair of Blankets, One-penny.
Every Rug, One-penny.
Every Dozen of Spades or Shovels, Two-pence.
Every Looking-Glaſs, Two-pence.
Every Dozen of frying Pans, Two-pence.
Every empty Firkin or Pail, One Farthing,
Every empty Two-Buſhel Baſket, One Farthing, and ſmaller in Proportion.
Every Dozen of empty Bags, One Half-penny.
Every Side of Sole Leather, One-penny.
Every Side of Upper Leather, One Half-penny.
Every Calf's Skin, One Farthing.
Every Beef's Hide, Two-pence.
Every Barrel of Tar, Pitch, Turpentine or Roſin, Six-pence.
Every Hundred Weight of Cordage, Three-pence.
Every Coach Body, Two-Shillings.
Every Chaiſe, Chair or Sulkey Body, Nine-pence.
Every Paſſenger, Two-pence.

AND

AND wherever a certain Rate of Ferriage is fixed for any particular Quantity or Weight of Goods or Merchandiſe, a proportionable Rate ſhall be taken for any greater or leſs Quantity or Weight of the ſame Goods. *Provided always*, That no Ferriage ſhall be paid for a ſucking Child, or for ſuch ſmall Articles not before enumerated, as a Woman carries in her Apron, or a Man or Boy in his Hand or under his Arm.

Where Ferriage is fixed, the ſame to be paid in Proportion for a greater or leſs Quantity or Weight.

II. *And be it further Enacted by the Authority aforeſaid*, That for the Ferriage and Tranſportation of all other Goods, Merchandiſe, Commodities and Things whatſoever, not enumerated and ſpecified in this Act, from the City of *New-York* to the Iſland of *Naſſau*, or from the Iſland of *Naſſau* to the City of *New-York*, ſhall be paid according to the Rates above ſpecified, in Proportion to the Weight or Quantity tranſported, and not otherwiſe; and if any Perſon or Perſons ſhall refuſe to pay to the Ferryman for the Time being, the Rates and Prices of Ferriage, limited and eſtabliſhed by this Act, the Perſon or Perſons ſo refuſing, ſhall forfeit and pay to ſuch Ferryman, treble the Rate to which he, ſhe or they were liable by this Act; to be recovered with Coſts of Suit, in any Court having Cognizance thereof; and if any Diſpute ſhall ariſe concerning the Rates or Prices of Ferriage, for any Goods or Commodities not particularly enumerated or expreſſed in this Act, and the Matter be brought before any Juſtice of the Peace by the contending Parties, ſuch Juſtice ſhall hear and determine the ſame, ſo as to him ſhall appear to be conformable to the true Intent and Meaning of this Act, and ſhall award Coſts againſt the Party in Default.

Articles not ſpecified, to be paid for in Proportion to Weight and Quantity.

Any Perſon refuſing to pay the Ferriage as eſtabliſhed, to forfeit treble the Sum.

Diſputes ariſing about the Rate of Ferriage, how to be ſettled.

III. *And be it further Enacted by the Authority aforeſaid*, That if any Ferryman for the Time being, his Servant or Servants, ſhall aſk, demand, exact, impoſe or take any greater or other Rates for Ferriage and Tranſportation from the ſaid City of *New-York* to the Iſland of *Naſſau*, or from the ſaid Iſland of *Naſſau* to the ſaid City of *New-York*, than are herein before limited and eſtabliſhed, the Perſon or Perſons ſo offending in the Premiſes, ſhall, for every Offence, forfeit and pay the Sum of *Twenty Shillings*.

Any Ferryman demanding more than lawful Ferriage, to forfeit 20*s*. for each Offence.

IV. *And be it further Enacted by the Authority aforeſaid*, That every Ferryman for the Time being, ſhall paſte upon a Board, and hang up in the Porch of each reſpective Ferry-Houſe, or at the moſt public Place therein, a Table fairly written or printed, of the Rates or Prices of Ferriage, as eſtabliſhed by this Act; and in Caſe any Ferryman for the Time being, ſhall neglect or refuſe to hang up ſuch Table of Rates and Prices of Ferriage in Manner aforeſaid, he ſhall, for every Day he ſhall ſo neglect or refuſe to do the ſame, forfeit the Sum of *Twenty Shillings*.

Ferryman to paſte on a Board, and hang up in a public Place, a Table of the Rates of Ferriage.

Penalty for Neglect.

V. *And be it further Enacted by the Authority aforeſaid*, That the Ferryman for the Time being, ſhall always have one or more Boats ready on each Side of the River, at leaſt one half Hour before Sun-riſe, and ſo ſhall continue through the whole Day, till eight o'Clock in the Evening, for the Purpoſe of tranſporting Paſſengers, and their Effects; and any Ferryman who ſhall neglect to have his Boat or Boats ready on each Side of the River, to carry over any Paſſenger or Paſſengers, or their Effects, at ſuch Time and Times (Wind and Weather permitting) every ſuch Ferryman ſo neglecting, ſhall forfeit and pay, for every ſuch Neglect, the Sum of *Ten Shillings*, to the Perſon or Perſons ſo detained, to be recovered in any Court having Cognizance thereof.

One Boat always to be ready on each Side of the River, on Forfeiture of 10*s*.

VI. *And be it further Enacted by the Authority aforeſaid*, That it ſhall be, and it hereby is made lawful for any of the Inhabitants of the Townſhip of *Brooklyn*, to tranſport their own Goods, in their own Boats, from the Iſland of

Inhabitants of *Brooklyn* may tranſport their own Goods in their own Boats.

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Naſſau to the City of *New-York*, and from the City of *New-York* to the Iſland of *Naſſau*, without paying any Ferriage for the ſame; any Law, Uſage or Cuſtom to the Contrary notwithſtanding.

Penalties impoſed by this Act, how to be recovered and applied.

VII. *And be it further Enacted by the Authority aforeſaid*, That all and every the Penalties and Forfeitures impoſed in and by this Act, ſhall and may be recovered, with Coſts of Suit, in any Court within this State having Cognizance thereof, by any Perſon or Perſons who will ſue and proſecute for the ſame to Effect; and the one Moiety of the ſaid Penalties and Forfeitures ſhall, when recovered, be paid to the Overſeers of the Poor of the Place where the ſame ſhall be recovered, for the Uſe of the Poor thereof, and the other Moiety to the Perſon or Perſons who ſhall ſue for the ſame as aforeſaid.

Certain Parts of a former Act relative to Ferriage, repealed.

VIII. *And be it further Enacted by the Authority aforeſaid*, That the firſt, ſecond and ſeventh Sections of the Act, entitled, *An* Act *to regulate the Ferry between the City of* New-York *and the Iſland of* Naſſau, *and to eſtabliſh the Ferriage thereof*, paſſed the 14th *October*, 1732, be, and the ſame, from the firſt Day of *May* next, hereby are repealed.

CHAP. XXXVIII.

Obſolete.

An ACT *reſpecting the Collectors of Taxes.*

Paſſed 28th February, 1789.

CHAP. XXXIX.

See 9th Seſſ. Ch. 23. *An* ACT *to extend the Time for the Payment and Commutation of Quit-Rents.*

Paſſed 28th February, 1789.

Time for Payment and Commutation of Quit-Rent, extended to 1ſt *May*, 1790.

BE *it Enacted by the People of the State of* New-York, *repreſented in Senate and Aſſembly, and it is hereby Enacted by the Authority of the ſame*, That the Time limited for the Payment and Commutation of Quit-Rents, in and by certain Acts of the Legiſlature of this State, ſhall be, and the ſame is hereby extended to the firſt Day of *May*, which will be in the Year of our Lord One Thouſand Seven Hundred and Ninety; provided, that from and after the firſt Day of *May* next, no Certificate ſhall be received in Payment for Commutation or Arrears of Quit-Rents, other than thoſe ſigned by the Treaſurer or Auditor of this State, or Certificates iſſued by the Auditors appointed to liquidate and ſettle the Depreciation of the Pay of the Line of the Troops of this State, in the Service of the United States. And that no Intereſt ſhall be allowed on the ſaid Certificates, which ſhall have accrued from and after the Twenty-ninth Day of *September* laſt paſt.

What Certificates receivable in Payment.

No Intereſt accrued on ſuch Certificates after 29th *Sept.* 1788, to be allowed.

CHAP. XL.

An ACT *for granting certain Lands in the Town of* Chemung.

Paſſed 28th February, 1789.

Preamble,

WHEREAS the Senate and Aſſembly, by a concurrent Reſolution in the Month of *March*, One Thouſand Seven Hundred and Eighty-eight, did reſolve in the Words following; *That is to ſay:* "Whereas a Number of "Perſons, ſome of them in Conſequence of concurrent Reſolutions of the "Senate and Aſſembly, paſſed in the Month of *March*, One Thouſand Seven "Hundred and Eighty-three, in Favour of the Inhabitants therein mention-"ed, and others of them in Conſequence of other Claims and Pretenſions, "have actually ſettled or made Improvements on Lands between the *Owego*

Reciting Reſolutions of the Legiſlature, relative to the Town of *Chemung*.

"and

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" and *Susquehannah* Rivers, and the Partition Line between this State and the " Commonwealth of *Massachusetts*, of the Lands reciprocally ceded to each " other, and Dissentions have arisen among the said Settlers, which may " prove very injurious to themselves, and may tend to disturb the public " Peace: *Resolved, therefore*, That the Lands within the following Limits " and Boundaries, be erected into a Town, *viz.* Beginning at the Intersec- " tion of the Partition Line, between this State and the Commonwealth of " *Massachusetts*, and the *Pennsylvania* Line, and running from the said Point " of Intersection, due North along the said Partition Line, to the Distance of " two Miles North of the *Tioga* River; thence with a straight Line to the " *Owego* River, to intersect the said River at the Distance of four Miles, on " a straight Line from the Confluence thereof, with the *Susquehannah;* thence " down the *Owego* and *Susquehannah*, to the *Pennsylvania* Line; and thence " along the *Pennsylvania* Line to the Place of Beginning. That the said " Town be called the Town of *Chemung*. That *James Clinton*, *John Hathorn*, " and *John Cantine*, Esquires, or any two of them, be authorised as Commis- " sioners to repair to the said Town, and to enquire into the Claims, Preten- " sions and Circumstances of Persons who have actually settled there, or who " have made Improvements with Intent to settle, or who may be desirous to " purchase Lands there from the State, with Intent either to settle, or pro- " cure others to settle there; and that they the said Commissioners, be also " authorised in their Discretion, and in such Manner as they shall deem most " eligible, for putting the several Persons having Claims or Pretensions to " Lands within the said Town, at Peace among themselves; for promoting " the further Settlement of the said Town; and for the Preservation of " Order and good Government, to assign and allot Lands (except Lands " located on military Rights) to the several Persons who have actually set- " tled on, or who have made Improvements with Intent to settle on, any " Lands within the said Town, and in any Quantities, to the said several Per- " sons respectively, not less than One Hundred Acres, nor exceeding One " Thousand Acres to each Person; and also to enter into any Stipulations " with any Persons desirous to purchase from the State, Lands (except Lands " so located as aforesaid) within the said Town, with Intent to settle, or to " procure others to settle on the Lands so to be purchased; provided, that " it shall be a Stipulation, that the Lands shall be settled within three Months " after the State shall have obtained the Indian Right. That the several " Persons to whom Lands shall be so assigned and allotted, shall be entitled " to Grants for the same, if they shall apply for their Grants at any Time " within three Years, and pay into the Treasury of the State, in public Se- " curities, signed by the Treasurer, at the Rate of *One Shilling* and *Six-* " *pence* per Acre, for the Land to be granted to them respectively. That " it be recommended to the Inhabitants of the said Town, to hold a Town- " Meeting, at such Time and Place as the Commissioners shall appoint, and " there, by Plurality of Voices, to elect the usual Town-Officers. That " when the Legislature shall, from the Report of the Commissioners, be in- " formed as to the most eligible Mode, they will pass the requisite Laws for " carrying the Intent of this Resolution into Effect."

That the Commissioners appointed by said Resolutions, have allotted the Land in said Town to divers Persons.

AND *whereas* the Commissioners appointed by the said Resolution, have, in Pursuance of the Trust reposed in them, assigned and allotted to divers of the Inhabitants of the said Town, and other Citizens of this and other States, certain Lots in the said Town, as appears by the Report of their Proceedings, and a Field-Book and Map accompanying the same; Therefore,

Commissioners of Land-Office to grant Letters Patent to said

I. *Be it Enacted by the People of the State of* New-York, *represented in Senate and Assembly, and it is hereby Enacted by the Authority of the same*, That it shall and may be lawful for the Commissioners of the Land-Office, and they are hereby

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Perſons for ſuch Lots as are aſſigned them on a Map and Field-Book of ſaid Town.

Map and Field-Book to be filed in Surveyor General's Office, who is to certify the Bounds of the Lots to which ſuch Perſons are entitled.

hereby authoriſed and required to grant and convey to ſuch reſpective Perſons, or to their legal Repreſentatives, and to their Heirs reſpectively, conformably to the ſaid concurrent Reſolutions, the Lots within the ſaid Town, which are ſo ſeverally aſſigned and allotted to them by the ſaid Commiſſioners, as ſet forth and expreſſed in the ſaid Field-Book, and deſignated on the ſaid Map; which Field-Book and Map, the ſaid Commiſſioners are hereby required to file in the Office of the Surveyor-General, who ſhall, on the Application of any Perſon or Perſons ſo become entitled to Lands in the ſaid Town, certify to the ſaid Commiſſioners the Bounds of the Lands to which ſuch Perſon or Perſons ſhall ſeverally or jointly appear to be entitled.

Time limited for the Settlement of ſaid Lands.

II. *Provided always, and be it further Enacted by the Authority aforeſaid*, That the Time limited in and by the ſaid Reſolution, for the actual Settlement of the Lands ſo to be granted, ſhall be, and hereby is extended to the Space of one Year next after the State ſhall have obtained the Indian Right to the ſaid Lands. *And provided further*, That it ſhall and may be lawful to and for the ſaid Commiſſioners of the Land-Office, to direct that ſo many of the Lots to be granted by Virtue of this Act, ſhall be included in one Patent, as the Perſons entitled thereto ſhall requeſt; and that the Commiſſioners and Secretary ſhall be entitled to the like Fees for every ſuch Patent, as are allowed them by the Act, entitled, ‡ *An* Act *for the Sale and Diſpoſition of Lands belonging to the People of this State.*

As many Lots may be included in one Patent, as the Perſons entitled ſhall require.

Commiſſioners and Secretary's Fees for ſuch Patents.

‡ 12*th Seſſ. Ch.* 32.

Original Map, and Field-Book to be filed in Secretary's Office, and Copies made and kept in Surveyor-General's Office.

III. *And be it further Enacted by the Authority aforeſaid*, That the Surveyor-General ſhall make a Copy of the ſaid Map and Field-Book, and file the Originals in the Secretary's Office, retaining the Copies ſo as aforeſaid made in the Office of the ſaid Surveyor-General.

CHAP. XLI.

An ACT *for the Relief of* Solomon Carver, *and others.*

Paſſed 28th February, 1789.

Preamble.

WHEREAS *Samuel Waterhouſe*, and others, formerly purchaſed of *John Lanſing*, junior, and *Chriſtopher Yates*, Eſquires, Commiſſioners for procuring a Sum in Specie, a Tract of Land containing Three Thouſand Five Hundred and Thirty-two Acres, Parcel of a Tract of Land ſituated in the County of *Waſhington*, commonly called *Skeene's Little Patent*. And whereas *Solomon Carver*, *Peter Chriſtie*, *Daniel Buell*, *Jedediah Omſtead*, *Enoch Wright* and *Samuel Waterhouſe*, junior, having ſince acquired Title in and to One Thouſand Two Hundred and Ninety-ſeven Acres of the Land conveyed to the ſaid *Samuel Waterhouſe* and others, by the ſaid Commiſſioners, have repreſented to the Legiſlature, that they have, by Miſtake, made conſiderable Improvements on a Tract of Land belonging to the People of this State, in the ſaid Tract of Land called *Skeene's Little Patent;* Therefore,

Surveyor-General to ſurvey the Lands in *Skeene*'s Little Patent, not conveyed to *Samuel Waterhouſe*.

And on the Parties producing to him a Certificate of their having paid to the Treaſurer the Amount at which the ſame ſhall be appraiſed, as herein directed, he to execute a Deed to them for the ſame Lands.

I. *Be it Enacted by the People of the State of* New-York, *repreſented in Senate and Aſſembly, and it is hereby Enacted by the Authority of the ſame*, That it ſhall and may be lawful to and for the Surveyor-General of this State, and he is hereby authoriſed and required, either by himſelf or by one of his Deputies, to make an actual Survey of the Lands in that Part of *Skeene*'s Little Patent, lying North and Eaſt of *Mackentoſh*'s Patent, which is not comprehended in the Three Thouſand Five Hundred and Thirty-two Acres, conveyed to the ſaid *Samuel Waterhouſe* by the ſaid *John Lanſing*, junior, and *Chriſtopher Yates*, Eſquires, as Commiſſioners aforeſaid; and the ſaid Surveyor-General ſhall, on the ſaid *Solomon Carver*, *Peter Chriſtie*, *Daniel Buell*, *Jedediah Omſtead*, *Enoch Wright* and *Samuel Waterhouſe*, junior, or ſome or one

one of them, producing to him a Certificate from the Treaſurer of this State, of their having paid into the Treaſury, at and after ſuch Rate per Acre, for every Acre of the ſaid Land, as ſhall be computed to have been the actual Value thereof (excluſive of the Improvements) on the fourth Day of *September*, One Thouſand Seven Hundred and Eighty-one, to be aſcertained by the Appraiſement of three Appraiſers; one of the Appraiſers to be choſen by the Surveyor-General, one other by the ſaid *Solomon Carver*, *Peter Chriſtie*, *Daniel Buell*, *Jedediah Omſtead*, *Enoch Wright* and *Samuel Waterhouſe*, junior, or the major Part of them, and the other by the two Perſons ſo choſen; which Appraiſement ſhall be certified by the ſaid Appraiſers, or any two of them, under their Hands and Seals, execute a Conveyance unto the ſaid *Solomon Carver*, *Peter Chriſtie*, *Daniel Buell*, *Jedediah Omſtead*, *Enoch Wright*, and *Samuel Waterhouſe*, junior, or their Heirs or Repreſentatives, in Fee Simple, for the ſaid Land, agreeably to the Form mentioned in the firſt Section of the Act, entitled, ‡ *An* Act *relating to the forfeited Eſtates*, paſſed the 21ſt of *March*, 1788.

‡ *11th Seſſ. Ch.* 90.

II. *And be it further Enacted by the Authority aforeſaid*, That they the ſaid *Solomon Carver*, *Peter Chriſtie*, *Daniel Buell*, *Jedediah Omſtead*, *Enoch Wright*, and *Samuel Waterhouſe*, junior, or ſome or one of them, ſhall pay to the ſaid Surveyor-General, the Amount of the Expences for Surveying and Appraiſement as aforeſaid, previous to their obtaining the Deed aforeſaid.

Expences of Survey, &c. to be paid before the Execution of the Deed.

CHAP. XLII.

An ACT *to naturalize the Perſons therein named, and to prevent the Avoidance of Titles in certain Caſes, by Reaſon of Alieniſm.*

Paſſed 28th February, 1789.

WHEREAS Francois Adrian Vander Kemp, Reinira Engelbarta Johanna Vander Kemp, his Wife, and Jan Jacob Vander Kemp, and Cunira Engelbarta Vander Kemp, his two Children; Erneſte Guilliaume, Baron de Rottenbourgh, Louiſe Henriette de Rottenbourgh Neé Williamos, his Wife, Philip Auguſte Hennequin de Rottenbourgh; Elizabeth De Wint, the Wife of John De Wint, junior, William Johnſton, Adam Calderwood, George Ferguſon, Duncan Ferguſon, Peter Collin, Samuel Weſton, George Lewis, Philip Dubey, Imbert Louis Dubey, Johannis Teitſel, George Gilfert, Carlile Pollock, Thomas Maule, Richard Bullock, William Thomas, John Froſt, William Rhodes, Thomas Brown, Chriſtopher Lange, Maurice Collins, Patrick Collins, Bernard Kelly, William Buckle, John Johnſton, William Johnſton, John Gamble, James Parker, Thomas Frazer, John Connelly, John Egnew, Thomas Armſtrong, Andrew Baſhford, James Pearſon, Spencer Philpot, Andrew Brown, Robert Smith, Charles Wilkes, Thomas Elliſon, William Hanſon, Samuel Campbell, Samuel Hill, Peter Mac Vean, George Walker, John Baptiſt Oliver, John Speyer, Philip Mark, Charles Borman, James Cockcroft, Thomas Allen, John M'Millan, Hugh Cameron, Joſeph Searight, James Cooper, Archibald M'Lean, Terence O'Donnell, Michael Bogley, John Andrew, William M'Lyment, Walter M'Intoſh, George Brown, William Cumming, Kenneth Cheſſam, Findly M'Donald, Alexander M'Donald, John Cheſſam, Archibald Frazer, Alexander M'Donald, Joſeph Newlands, James Eaſſon, Charles M'Glaſhan, Alexander M'Glaſhan, Thomas Armſtrong, John Dewaier, John Moriſon, Charles Orangebay, James Eadie, John M'Gellevray, Tobias Hoffman, George Speth, William Cammeyer, Johan Chriſtopher Ehninger, Dennis Sinnott, Bartholomew Barnewall, John Baptiſte Deloffre, Marian Le Brun, Auguſte Berthoud, Jean Boand, James Malide, Conrad Bernhard Glaan, Robert White,

Preamble, reciting that the Perſons herein named, have prayed to be naturalized.

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White, Albrecht Behrens, Joſeph Maud, Samuel Kerr, John Smith, Gilchriſt Dickenſon, John Beeker, Duncan M'Vean, Iſaac Ximenes, Robert Stewart, James Willſon, Peter M'Vean, John M'Naughton, Duncan M'Martin, James Cleary, Peter Fiſher, Peter M'Kinlay, James Chriſtie, John Taylor, James Moriſon, Robert Robertſon, Peter Robertſon, Daniel M'Intyre, Duncan M'Farland, John M'Intyre, John M'Beth, Joſeph Newton, Peter Forbes, Daniel Stewart, Thomas Stewart, John Jacob After, Alexander Wamſley, Hipolite Penet, Nicholaus Meade, John Ritſon, Daniel M'Kennon, John Jacob Buſh, Angus M'Naughtan, junior, Daniel M'Naughtan, John M'Naughtan, junior, Duncan M'Naughtan, Alexander Robertſon, Moſes Malloch, Patrick M'Lean, Donald M'Kercher, Finlay M'Callum, James Campbell, Neal M'Gregor, John Frazer, Duncan M'Laren, Duncan M'Vean, James M'Vean, John M'Vean, Duncan M'Vean, junior, Lawrence Craimer, John Barbour, Samuel Wallcott, Hendrick Van Wagner, James M'Vean, James Carmichael, Duncan M'Vean, James M'Vean, James Maſon, Richard Maſon, George Maſon, William M'Kee, junior, James M'Kee, Robert Barker, William Barber, John Porteous, John Saeger, Andrew Groſend, Andreas Koch, George Betzholtz, Lawrence Gleichman, Michael Willman, Frederick Gleichman, Hendrick Z. Bonſe, Jacob Weiſyerber, Chriſtian Hartwick, William Omeagher, Rodolphus Kent, John Campbell, Abijah Gilbert, Robert Burrell, William Stockman, Peter Deſchent, Tobias Hoffman, have, by their ſeveral Petitions to the Legiſlature, prayed to be naturalized; Therefore,

Said Perſons declared to be naturalized; and after having taken the Oath of Allegiance and Abjuration, to be conſidered as Citizens.

I. *Be it Enacted by the People of the State of* New-York, *repreſented in Senate and Aſſembly, and it is hereby Enacted by the Authority of the ſame*, That the above named Perſons ſhall be, and they are hereby reſpectively naturalized; and ſhall from and after having taken and ſubſcribed, in any Court of Record within this State, the Oath of Allegiance to this State, and abjured and renounced all Allegiance and Subjection to all and every foreign King, Prince, Potentate and State, in all Matters eccleſiaſtical as well as civil, be deemed Citizens of this State, to all Intents, Conſtructions and Purpoſes whatſoever; and that the Court in which any of the Perſons herein before mentioned ſhall be admitted to take ſuch Oath, ſhall cauſe an Entry thereof to be made in the Minutes of the ſaid Court; and ſhall give a Certificate to ſuch Perſons reſpectively, purporting that ſuch Perſon hath been admitted to ſuch Oath, in the ſaid Court, in Purſuance of this Act; and ſuch Perſons upon taking ſuch Oath, ſhall reſpectively pay to the Judges of ſuch Court, *Six Shillings*, and to the Clerk thereof, *Three Shillings*.

Court before whom the Oath is taken, to make an Entry thereof on the Minutes, and to give the Perſon a Certificate.

Lands heretofore purchaſed by ſaid Perſons, not to eſcheat to the State by Reaſon of their Alieniſm.

II. *And be it further Enacted by the Authority aforeſaid*, That no Lands, Tenements or Hereditaments in this State, heretofore purchaſed by any of the Perſons herein before named, ſhall eſcheat to the People of this State, by Reaſon or on Account of ſuch Perſon's then being an Alien; but all ſuch Lands, Tenements and Hereditaments ſhall veſt in ſuch Purchaſer, in the ſame Manner as if ſuch Purchaſer had been naturalized at the Time of ſuch Purchaſe; any Law to the Contrary notwithſtanding. *Provided always*, That the ſaid *Jan Jacob Vander Kemp*, and *Cunira Engelbarta Vander Kemp*, ſhall reſpectively take the Oath of Allegiance and Abjuration within one Year after they ſhall reſpectively attain the Age of Twenty-one Years, or be precluded from the Benefits intended to be ſecured to them by this Act: *And provided alſo*, That ſuch other of the Perſons above named, and hereby naturalized, as ſhall not take the Oath of Allegiance and Abjuration aforeſaid, in Manner herein before directed, within twelve Calendar Months next after the paſſing of this Act, ſhall have no Manner of Benefit by this Act; any Thing herein contained to the Contrary notwithſtanding.

The Perſons naturalized, to take the Oath within a limited Time,

Or be precluded from any Benefit by this Act.

III. *And*

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III. *And be it further Enacted by the Authority aforesaid*, That no Title or Claim, of any Inhabitant of this State, who is now a Citizen of this State, under any Patent or Purchase of Lands, Tenements and real Estate, granted to, or made by an Alien, at any Time inhabiting in this State, since the Twenty-seventh Day of *January*, in the Year One Thousand Seven Hundred and Seventy, shall be defeated merely upon the Pretence of Alienism in the Grantee r Purchaser, or any Person holding as by Descent or otherwise, since such Grant or Purchase; but that such Title shall be adjudged to be good, the Plea or Pretence of Alienism, in such Case notwithstanding.

Title of any Citizen of this State, to real Estate, under an Alien at any Time inhabiting in this State since 27th *January*, 1770, not to be defeated by Pretence of Alienism.

IV. *And be it further Enacted by the Authority aforesaid*, That no Title or Claim accruing between the third Day of *September*, 1783, and the Time of passing this Act, to any Citizen or Citizens of this State, in any Lands, Tenements or Hereditaments, granted under the Great Seal of the late Colony, now State of *New-York*, prior to the 14th Day of *October*, 1775, shall be defeated or prejudiced, upon the Pretence of Alienism in the Grantor or Grantors thereof, or any other Person or Persons through whom his, her or their Estate therein may have been derived; but that such Title shall in like Manner be adjudged to be good and valid, the Plea or Pretence of Alienism notwithstanding.

No Title to Lands accruing to any Citizen of this State (between 3d *September*, 1783, and the passing of this Act) under the Seal of the late Colony, prior to 14th *October*, 1775, to be defeated on Pretence of Alienism in the Grantors.

V. *And be it further Enacted by the Authority aforesaid*, That it shall be lawful for the Heirs or Devisees of *Richard Montgomerie*, Esquire, late a Major-General in the Armies of the United States, to sell, dispose of, grant and convey, to any Citizen or Citizens of this State, and his, her or their Heirs and Assigns, the Lands, Tenements and Hereditaments whereof he was seised, or to which he was entitled at the Time of his Death, notwithstanding the Plea or Pretence of Alienism in such Heirs or Devisees.

Heirs or Devisees of the late General *Montgomerie*, may sell his real Estate, notwithstanding any Pretence of Alienism in them.

CHAP. XLIII.

An ACT *for the Payment of the Salaries of the Officers of Government, and other contingent Charges.*

Obsolete.

Passed 28th February, 1789.

CHAP. XLIV.

An ACT *to appropriate the Lands set apart to the Use of the Troops of the Line of this State, lately serving in the Army of the United States, and for other Purposes therein mentioned.*

Passed 28th February, 1789.

WHEREAS by the first Section of the Act, entitled, † *An* Act *to prevent the Grants or Locations of the Lands therein mentioned*, passed the Twenty-fifth Day of *July*, One Thousand Seven Hundred and Eighty-two, a certain Tract of Land in the said Act described, was set apart for the Purpose of making Grants to the Officers therein mentioned, and to the Troops of this State, serving in the Army of the United States, and their legal Representatives. *And whereas* by the fourth Section of an Act, entitled, ‡ *An* Act *to extend the Powers of the Commissioners of the Land-Office to the Cases therein mentioned, and for other Purposes*, passed 20th *March*, 1788, it is declared, That if the Indian Right to such Lands shall be extinguished, as in the said last mentioned Act is specified, such Lands shall be appropriated to the Use of such Troops. *And whereas* the Commissioners appointed to hold Treaties with the Indians, have purchased of the *Onondaga* and *Cayuga* Indians, certain Lands, being Part of the Lands so set apart for the Use of the said Troops, whereby their Right to the same is extinguished: Therefore,

† *6th Sess. Ch.* 11. Preamble.

‡ *11th Sess. Ch.* 89.

I. *Be*

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Commiſſioners of the Land-Office to direct Surveyor-General to lay out as many Towns as will ſatisfy the Claims of Perſons entitled to Bounty Lands.

‡ *7th Seſſ. Ch.* 63.

I. *Be it Enacted by the People of the State of* New-York, *repreſented in Senate and Aſſembly, and it is hereby Enacted by the Authority of the ſame,* That the Commiſſioners of the Land-Office ſhall be, and they are hereby authoriſed to direct the Surveyor-General to lay out as many Townſhips in the ſaid Tract of Land ſo ſet apart as aforeſaid, as will contain Land ſufficient to ſatisfy the Claims of all ſuch Perſons who are or ſhall be entitled to Grants of Lands by the ſaid concurrent Reſolutions, and by the eleventh Clauſe of the Act, entitled, ‡ *An* Act *for granting certain Lands promiſed to be given as Bounty Lands, by Laws of this State, and for other Purpoſes therein mentioned,* paſſed the eleventh Day of *May*, One Thouſand Seven Hundred and Eighty-four; which Townſhips ſhall reſpectively contain Sixty Thouſand Acres of Land, and be laid out as nearly in Squares as local Circumſtances will permit, and be numbered from Number One progreſſively, to the laſt incluſive; and the Commiſſioners of the Land-Office ſhall likewiſe deſignate every Townſhip by ſuch Name as they ſhall deem proper; the firſt of which Townſhips to begin on the Weſtern Side of the *Onondaga-River*, at the Falls thereof; and all of them to be laid out contiguous to each other, within the Limits and Bounds of the Tract of Land ſet apart for the Uſe of the Troops of this State as aforeſaid, ſo that no Part of the ſaid Townſhips ſhall extend further Eaſt than a Line to be drawn North and South from the Southweſt Corner of the Lands reſerved by the *Oneida* Indians for their own Uſe, from and out of the Ceſſion and Grant made by them to the People of this State, at the laſt Treaty held with them by the Commiſſioners appointed by a Law of this State for that Purpoſe. *Provided always*, That no Part of the ſaid Townſhips ſhall interfere with, or be laid out on any Part of the Lands reſerved by the *Onondaga* and *Cayuga* Indians, for their own Uſe or the Uſe of any particular Perſon or Perſons in the Ceſſion or Grant made by them to the People of this State, by the Treaties lately held between the *Onondaga* and *Cayuga* Indians, and the Commiſſioners appointed for that Purpoſe.

Each Townſhip to contain 60,000 Acres; and how to be laid out, numbered, and named.

Not to interfere with the Land reſerved by the Indians.

Surveyor General to make a Map of each Townſhip, and divide the ſame into One Hundred Lots, and file a Copy in the Secretary's Office, keeping the Original in his own Office.

II. *And be it further Enacted by the Authority aforeſaid*, That the Surveyor-General, as ſoon as may be, ſhall make a Map of each of the ſaid Townſhips, and each Townſhip ſhall be ſubdivided on ſuch Map into One Hundred Lots, as nearly ſquare as may be, each Lot to contain Six Hundred Acres, or as nearly that Quantity as may be; and the Lots in every Townſhip ſhall be numbered from one to the laſt incluſive, in numerical Order; and one Copy of ſuch Map ſhall be filed in the Secretary's Office of this State, and the original ſhall be preſerved in the ſaid Surveyor-General's Office: And the Surveyor-General ſhall immediately after having filed ſuch Map as aforeſaid, in the Secretary's Office, give Notice thereof to the Commiſſioners of the Land-Office; which ſaid Commiſſioners ſhall thereupon cauſe a Notice to be publiſhed ſix Weeks ſucceſſively, in one or more of the News-papers printed in each of the Cities of *New-York* and *Albany*, (whereof the News-papers publiſhed by the Printer to this State, if any ſuch there be, ſhall be one) requiring all Perſons entitled to Grants of Bounty and Gratuity Lands as aforeſaid, who have not by themſelves or their legal Repreſentatives, already exhibited their Claims, to exhibit the ſame to the ſaid Commiſſioners on or before the firſt Day of *January*, One Thouſand Seven Hundred and Ninety-one.

Commiſſioners of the Land Office to cauſe a Notice to be publiſhed, requiring all Perſons having Claims, who have not already exhibited them, to exhibit them on or before 1ſt *January*, 1791.

III. *And be it further Enacted by the Authority aforeſaid*, That the ſaid Commiſſioners after the Day fixed by the ſaid Advertiſement, ſhall proceed to examine and determine the Claims of all and each of the Perſons, or their legal Repreſentatives, entitled to Grants as aforeſaid, in ſuch Mode and Manner as to them ſhall appear equitable and juſt, ſo that the Bounty and Gratuity intended to be given by the State, be not extended to Perſons who may not be entitled thereto; and after ſuch Determination as aforeſaid, the ſaid Commiſſioners ſhall cauſe the Names of each of the Officers, Non-commiſſioned Officers

After 1ſt *January*, 1791, the Commiſſioners to proceed in determining ſaid Claims, and to ballot for each Perſon's Share.

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Officers and Privates, ſo by them adjudged to be entitled to the Bounty and Gratuity as aforeſaid, to be written on ſeparate Ballots or Tickets, and as many more Names of the commiſſioned Officers entitled to ſuch Bounty on ſeparate Ballots or Tickets, as there ſhall be Six Hundred Acres in the Share to which ſuch Officers reſpectively are entitled by Virtue of the Law and Reſolutions aforeſaid; reſerving the Surplus that may happen to be due to ſuch Officers, and which cannot be ſatisfied exactly by the Diviſion of the ſaid Townſhips into Lots of Six Hundred Acres, to be provided for in the Manner herein after to be directed. *Provided*, That no commiſſioned Officer ſhall be entitled to any Addition of Land as a Bounty or Gratuity on the Part of this State, on Account of any Promotion conferred on him by the Acts of Congreſs of the Thirtieth of *September*, and the firſt of *November*, One Thouſand Seven Hundred and Eighty-three.

No Officer entitled to any Addition, in Conſequence of certain Promotions.

IV. *And be it further Enacted by the Authority aforeſaid*, That it ſhall be the Duty of the Commiſſioners of the Land-Office, and they are hereby directed and required to take an Account of all Perſons to whom Lands ſhall be granted by Virtue of this Act, and who were entitled thereto by any Act or Reſolution of Congreſs, and of the Quantity granted to each Perſon ſo entitled, and to require from each of the ſaid Perſons an Aſſignment of his, her or their Proportion and Claim of Bounty and Gratuity Lands under any Act or Acts of Congreſs, to be made to and in the Name of the Surveyor-General, for the Uſe of the People of this State; which Account and Aſſignments ſhall be depoſited in the Office of the Surveyor-General of this State, in order that this State may receive a juſt Compenſation for the Lands which ſhall be granted by Virtue of this Act, conformably to any Requiſition of Congreſs: And it ſhall be, and it is hereby declared to be the Duty of the Surveyor-General for the Time being, to locate and procure Grants in the Manner preſcribed by Congreſs, for ſuch Land ſo to be aſſigned to the People of this State. *Provided always*, That if it ſhall be in the Power of the ſaid Commiſſioners to ſell and diſpoſe of the Whole or any Part of ſuch Rights ſo to be derived under Aſſignments as aforeſaid, it ſhall, in that Caſe be lawful for them, and they are hereby authoriſed to direct the Surveyor-General to ſell the ſame, for any public Securities iſſued by the Treaſurer or Auditor of this State, at ſuch Price as the ſaid Commiſſioners ſhall think fit and reaſonable.

Commiſſioners to take an Account of all Perſons entitled to Bounty Lands from Congreſs, and to procure an Aſſignment of ſuch Lands, for the Uſe of the State.

Surveyor-General to locate and procure Grants for ſuch Lands.

Commiſſioners of the Land-Office empowered to ſell ſuch Rights ſo aſſigned.

V. *And be it further Enacted by the Authority aforeſaid*, That the ſaid Commiſſioners ſhall cauſe the Ballots or Tickets aforeſaid, to be rolled up and put into a Box, and then ſhall cauſe One Hundred Ballots or Tickets to be made and numbered, from Number One to One Hundred; which ſaid Ballots or Tickets ſhall alſo be rolled up and put in a ſeparate Box, for Townſhip Number One; and ſo as many Ballots or Tickets numbered, rolled and put up as aforeſaid, for Townſhip Number Two; and ſo on for each other Townſhip, which ſhall be laid out to ſatisfy the Claims of Perſons entitled to Grants of Bounty and Gratuity Lands as aforeſaid; and after having completed the ſame, the ſaid Commiſſioners ſhall proceed to the balloting of the ſaid Lands, which ſhall be performed in the following Manner; *That is to ſay*, They ſhall appoint one or more Perſon or Perſons, who ſhall firſt draw a Ticket from the Box in which the Names are put, and then a Ticket of the Number of Townſhip Number One, until the Number of Ninety-four Names, and as many Lots have been drawn; and after drawing for the Lots in the ſaid Townſhip Number One, in Manner aforeſaid, they ſhall proceed in the ſame Manner to draw the Lots in the other Townſhips, until the whole drawing is compleated; and the Lots in each Townſhip drawn next after the Tickets marked with the Name of the Perſon entitled to ſuch Lands, ſhall be the ſeparate and diſtinct Share of the Perſon whoſe

Commiſſioners directed how to proceed in balloting for the Lots.

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Name was marked on the Ticket drawn as aforeſaid immediately before, or of his legal Repreſentative, and of all Perſons holding under him or her; of which balloting, and all the Proceeding relating to the ſame, the ſaid Commiſſioners ſhall make a full and fair Entry and Minute in a Book, one Copy thereof certified under their Hands, or the Hands of a Majority of them, ſhall be filed in the Secretary's Office, and the other Copy certified in like Manner, in the Clerk's Office of the County of *Montgomery*.

Six remaining Lots in each Townſhip, how to be diſpoſed of.

VI. *And be it further Enacted by the Authority aforeſaid*, That the ſix Lots remaining in each Townſhip not ballotted for as aforeſaid, ſhall be by the Commiſſioners aforeſaid, aſſigned in the Manner following; *That is to ſay*, One thereof for the promoting the Goſpel, and a public School or Schools, one other for promoting Literature in this State, to be applied in ſuch Manner as the Legiſlature may direct, and the remaining four Lots to ſatisfy the Surplus Shares of commiſſioned Officers not correſponding with the Diviſion of Six Hundred Acres as aforeſaid, and to compenſate ſuch Perſons as may by Chance draw any Lot or Lots, the greater Part of which may be covered with Water.

After the Balloting is performed, Surveyor General to ſurvey the Lands, and make a Map thereof, and file it in his own and the Secretary's Office.

VII. *And be it further Enacted by the Authority aforeſaid*, That the ſaid Commiſſioners, after compleating the balloting as aforeſaid, ſhall direct the Surveyor-General, by himſelf or his Deputies, to ſurvey the Out-lines of the ſaid Townſhips, at the Expence of the State, as ſoon as conveniently may be, and to make a Map of each of the ſaid Townſhips agreeable to ſuch Survey, and on the ſame to ſubdivide the Lots in Manner as before mentioned; one Copy of which to be filed in the Secretary's Office, and one other Copy in the Office of the Clerk of *Montgomery* County.

Patent Fees.

VIII. *And be it further Enacted by the Authority aforeſaid*, That it ſhall and may be lawful for the ſaid Commiſſioners to direct Letters Patent to be prepared and granted to each of the Perſons by them adjudged to be entitled to Grants of Lands as aforeſaid, and that the Commiſſioners and Secretary ſhall reſpectively be entitled to the following Fees, for their Services performed, or to be performed by them reſpectively, by Virtue of this Act; and to be paid by the Perſon or Perſons in whoſe Favour any Letters Patent ſhall iſſue; *That is to ſay*, To the Governor, for his Attendance on ſigning and affixing the Great Seal to ſuch Letters Patent, the Sum of *Eight Shillings*, and to the other of the ſaid Commiſſioners jointly, excluſive of the Secretary, the like Fee of *Eight Shillings*, to be divided as to a Majority of them ſhall ſeem proper; to the Secretary, for preparing the Letters Patent, recording and keeping the Minutes of the ſaid Commiſſioners, the like Fees as allowed herein before to the Governor; and it is hereby made the Duty of the ſaid Commiſſioners, to direct Letters Patent to be granted to any Perſon who ſhall apply for the ſame, or his legal Repreſentatives, including the whole of the Lands to which ſuch Perſon, or his Repreſentatives, may be entitled as aforeſaid in one Patent; provided the ſame does not exceed one Quarter of the Quantity of a Townſhip.

All the Land each Perſon is entitled to, if it does not exceed a Quarter of a Townſhip, to be included in one Patent.

An actual Settlement to be made on every Six Hundred Acres, within Seven Years from 1ſt *January*, 1790.

IX. *And be it further Enacted by the Authority aforeſaid*, That on the Lands to be granted by this Act, there ſhall be an actual Settlement made, for every Six Hundred Acres which may be granted to any Perſon or Perſons, within ſeven Years from the firſt Day of *January* next after the Date of the Patent by which ſuch Lands ſhall be granted; and on Failure of ſuch Settlement, the unſettled Lands ſhall revert to the People of this State.

Patents to contain a Reſervation of Gold and Silver Mines.

X. *And be it further Enacted by the Authority aforeſaid*, That all Letters Patent to be granted by Virtue of this Act, ſhall be in ſuch Words and Forms as

as the ſaid Commiſſioners ſhall direct; and ſhall contain an Exception and Reſervation to the People of this State, of all Gold and Silver Mines; and ſhall convey the Lands therein mentioned, to the Grantee and his Heirs.

Perſons holding Claſs Rights may locate on any of the Lands purchaſed from the Indians, which they might have located upon the 1ſt *May*, 1786.

XI. *And be it further Enacted by the Authority aforeſaid*, That it ſhall and may be lawful to and for any Perſon or Perſons holding and being entitled to any Certificates iſſued in Purſuance of the Act, entitled, ‡ *An* Act *for raiſing two Regiments for the Defence of this State*, and the Act, entitled, ‡ *An* Act *for raiſing Troops to complete the Line of this State, and the two Regiments to be raiſed on Bounties of unappropriated Lands, and for the further Defence of the Frontiers of this State*, to locate the Lands to which they reſpectively became entitled, in any Part of the Lands purchaſed or to be purchaſed by the People of this State, from the *Onondaga*, *Cayuga* or *Seneca* Nations of Indians; which they might have located upon, on the firſt Day of *May*, in the Year of our Lord One Thouſand Seven Hundred and Eighty-ſix; and that it ſhall and may be lawful to and for the Commiſſioners of the Land-Office to grant Letters Patent for the ſame, in the Manner preſcribed by former Laws reſpecting Lands located in Conſequence of ſuch Certificates. *Provided always*, That no ſuch Locations ſhall be made on any of the Lands aſſigned to the Troops of the Line of this State, or in any Part of the Townſhip of *Chemung*. *And provided alſo*, Such Locations be made within one Year after the paſſing of this Act.

Except the Lands aſſigned to the Army, and the Townſhip of *Chemung*.

And ſuch Locations to be made within a Year.

Commiſſioners of the Land-Office, to examine into the Claims of *Johannis Lieb*, and his Aſſociates.

XII. And *whereas* it has been ſuggeſted to the Legiſlature, that *Johannis Lieb*, and others his Aſſociates, were, previous to the Revolution, entitled to a Grant for a Tract of Land in the County of *Montgomery*, and that the ſaid Lands were granted by the People of this State as a Compenſation for military Services to other Perſons; Therefore, *Be it further Enacted by the Authority aforeſaid*, That it ſhall and may be lawful to and for the Commiſſioners of the Land-Office, to examine into the Claims of the ſaid *Johannis Lieb* and his Aſſociates; and if, upon ſuch Examination, it ſhall appear that the ſaid Claim is equitable, and ought to be allowed, and that the ſaid Lands have been granted by the People of this State, as a Compenſation for military Services, it ſhall and may be lawful to and for the ſaid Commiſſioners, to direct the Surveyor-General to ſurvey and lay out, at the Expence of the ſaid *Johannis Lieb* and his Aſſociates, a Tract, equal in Quantity to the Lands ſo granted, of any of the ungranted Lands of this State, not included in the late Indian Purchaſes, or particularly reſerved to the People of this State, by any former Law, and to grant the ſame in like Manner, and on the ſame Conditions as other Lands granted on equitable Claims, were granted before the Expiration of the Time limited by former Laws for that Purpoſe.

When Locations are made on Lands already occupied, how the Surveyor-General is to proceed.

XIII. *And be it further Enacted by the Authority aforeſaid*, That whenever any Perſon ſhall have located, by Virtue of the Laws of this State, on Lands belonging to this State, which were occupied and improved on or before the 25th *July*, 1782, the Surveyor-General ſhall, at the Expence of the Perſon or Perſons having located ſuch Lands, cauſe the ſame to be ſurveyed, and alſo cauſe Notice to be given in writing, to the Occupant or Occupants, and if the Occupant or Occupants do not apply for the ſame, within four Weeks after ſuch Notice hath been given, the Surveyor-General ſhall then make a Return of the Survey of ſuch Lands, to the Commiſſioners of the Land-Office, and the Perſon or Perſons having located the ſame, ſhall be entitled to Letters Patent therefor; and whenever any Perſon ſhall have made a Claim to unappropriated Lands by Virtue of Improvements made, and

Manner of Proceeding when Occupants claim Lands which are located.

‡ There is not any Act with either of theſe Titles; but ſee *4th Seſſ. Chap.* 32, and *5th Seſſ. Ch.* 22.

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and Occupancy had, prior to the ſaid 25th *July*, 1782, the Commiſſioners of the Land-Office ſhall direct the Surveyor-General to ſurvey ſuch Lands at the Expence of the Claimant, and give public Notice of ſuch Claim in one of the public News-Papers printed in each of the Cities of *New-York* and *Albany*, for three Weeks ſucceſſively, of ſuch Location; and if no Caveat be entered in the reſpective Offices of the Secretary and Surveyor-General, ſatisfactory Proof of ſuch Improvement and Occupancy being made to the ſaid Commiſſioners, the Claimant ſhall be entitled to Letters Patent for ſuch Lands in Manner by Law directed; provided the Quantity of each Claim do not exceed Two Hundred Acres; but if Caveats be entered in the reſpective Offices of the Secretary and Surveyor-General within the Time before mentioned, the Commiſſioners of the Land-Office, ſhall proceed to hear and determine ſuch Claims in the Manner directed by the Act, entitled, ‡ *An* Act *to extend the Powers of the Commiſſioners of the Land-Office to the Caſes therein mentioned, and for other Purpoſes*, paſſed the 20th of *March*, 1788; provided that all ſuch Locations or Claims as aforeſaid, be made on or before the firſt Day of *January*, One Thouſand Seven Hundred and Ninety-one.

‡ 11*th Seſſ. Ch.* 89.

All ſuch Claims and Locations to be made before 1ſt *January*, 1791.

Land to be granted to *Elijah Bill*, a *Nova Scotia* Refugee.

XIV. *And be it further Enacted by the Authority aforeſaid*, That the Commiſſioners of the Land-Office are hereby directed to grant to Lieutenant *Elijah Bill*, a Refugee from *Nova-Scotia*, the Proportion of Land he would have been entitled to by any former Law of this State, had he applied within the Time limited by the ſaid Law, out of the Lands ſet apart for the *Canadian* and *Nova-Scotia* Refugees.

Time limited by for[illegible]r Act for the Refugees, to ſue out their Patents, extended to 1ſt *March*, 1790.

XV. *And be it further Enacted by the Authority aforeſaid*, That the Time limited for ſuing out Letters Patent, by the firſt Paragraph of the fifth Section of the Act, entitled, *An* Act *to extend the Powers of the Commiſſioners of the Land-Office to the Caſes therein mentioned, and for other Purpoſes*, paſſed the 20th of *March*, 1788, is hereby extended to the firſt Day of *March*, One Thouſand Seven Hundred and Ninety, ſo far as it reſpects the *Canadian* and *Nova-Scotia* Refugees.

Commiſſioners to grant certain Lands to *Luis Cook*.

XVI. *And be it further Enacted by the Authority aforeſaid*, That it ſhall and may be lawful for the Commiſſioners of the Land-Office to grant Letters Patent to *Luis Cook*, alias, *Hadaquitochrongwen*, for ſuch Tract of Land, lying on the *Niconſiaga-River*, beginning at the firſt Falls on the ſaid River, and extending up the ſame on both Sides thereof, as they ſhall find to be his diſtinct Property; provided the ſame has not been otherwiſe appropriated.

CHAP. XLV.

An ACT *to repeal the Laws therein mentioned.*

Paſſed 28th Febuary, 1789.

Several Laws herein mentioned, paſſed by the Legiſlature of the late Colony of *New-York*, repealed.

I. BE *it Enacted by the People of the State of* New-York, *repreſented in Senate and Aſſembly, and it is hereby Enacted by the Authority of the ſame*, That the ſeveral Acts or Laws herein after mentioned, which were made in this State, while the ſame was the Province or Colony of *New-York; That is to ſay*, An Act, entitled, *An* Act *for the more effectual Preſervation of Deer and other Game, and the Deſtruction of Wolves, Wild-Cats and other Vermin*; and one other Act, entitled, *An* Act *for returning Neat-Cattle and Sheep to their Owners*; and one other Act, entitled, *An* Act *for the more ſpeedy Recovery of Legacies within this Colony*; and one other Act, entitled, *An* Act *to prevent the Deſtruction of Sheep by Dogs*; and one other Act, entitled, *An* Act *for the better clearing, regulating and further laying out public Highways in* King's *County*, Queen's *County*, Richmond *County*, *and* Orange *County*; and one other Act

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Act, entitled, *An* Act *for the better regulating and further laying out public Highways in* Queen's *County*; and one other Act, entitled, *An* Act *for the better extinguishing of Fires that may happen within the City of* Albany; and one other Act, entitled, *An* Act *to enlarge the Time for the Constables of the City of* New-York, *who shall be Collectors of the Taxes, to pay in the Taxes to be raised in the said City, and for the more effectual collecting in the Taxes already assessed*; and one other Act, entitled, *An* Act *for the more effectual extinguishment of Fires near the Ferry, in the Township of* Brooklyn, *in* King's *County*; and one other Act, entitled, *An* Act *to amend an* Act, entitled, *An* Act *for returning Neat-Cattle and Sheep to their Owners, so far as it relates to* Suffolk, Queen's *and* Westchester *Counties*; and one other Act, entitled, *An* Act *to prevent the breaking or defacing the Mile Stones, now or hereafter to be erected in this Colony*; shall be and hereby are repealed: But all Actions, Suits and Prosecutions now depending upon any of the said Acts, may be prosecuted to Effect, in the same Manner as if such Act had not been repealed.

But Suits now depending on them, to be prosecuted to Effect.

II. *And be it further Enacted by the Authority aforesaid*, That the several Acts of the Legislature of this State, herein after mentioned; *That is to say*, The Act, entitled, *(a) An* Act *for regulating Impresses of Forage and Carriages, and for billeting Troops within this State*; and the Act, entitled, *(b) An* Act *to provide Pasturage for the Use of the Army*; and the Act, entitled, *(c) An* Act *more effectually to punish Adherence to the King of* Great-Britain, *within this State*; and the Act, entitled, *(d) An* Act *more effectually to prevent illicit Trade with the Enemy*; and the Act, entitled, *(e) An* Act *to prevent illicit Trade with the Enemy*; and the Act, entitled, *(f) An* Act *for Indian Affairs*; and the Act, entitled, *(g) An* Act *to regulate the Exportation of Butter and Hogs-Lard*, shall be, and hereby are repealed.

Several Laws passed by the Legislature of this State, repealed.
(a) 1st Sess. Ch. 29.
(b) 3d Sess. Ch. 74.
(c) 4th Sess. Ch. 48.
(d) 5th Sess. Ch. 39.
(e) 6th Sess. Ch. 7.
(f) 6th Sess. Ch. 48.
(g) 11th Sess. Ch. 53.

CHAP. XLVI.

An ACT *to liquidate and settle Claims for building the Court-House and Gaol in the County of* Montgomery, *and to provide a Gaol for the County of* Clinton.

Passed 3d March, 1789.

Preamble.

WHEREAS an Act was passed on the first Day of *April*, 1775, entitled, *An* Act *to raise a Sum not exceeding* Nine Hundred Pounds *in the County of* Tryon, *to complete the Court-House and Gaol erected at* Johnstown, *in the said County*; *And whereas* it hath been suggested by *Zephaniah Batcheller*, that the said Sum of *Nine Hundred Pounds*, or any Part thereof, hath not been raised in the said County, and that there is a considerable Sum due to the Co-partnership of *James Bennet* and the said *Zephaniah Batcheller*, on Account of building and compleating the said Court-House and Gaol; and it is reasonable that the same should be paid and satisfied; Therefore,

Supervisors of *Montgomery* County to liquidate the Accounts of *Bennet* and *Batcheller*, and others, for building the Court-House and Goal.

I. *Be it Enacted by the People of the State of* New-York, *represented in Senate and Assembly, and it is hereby Enacted by the Authority of the same*, That it shall and may be lawful for the Supervisors of the said County of *Montgomery* for the Time being, or the major Part of them, and they are hereby required and directed, to enquire into, liquidate and settle the Accounts of the Monies due or claimed, or alledged to be due to the said Partnership of *James Bennet* and *Zephaniah Batcheller*, or to any other Person or Persons, for or on Account of the Court-House and Gaol aforesaid. And the said Supervisors, or the major Part of them, are hereby directed, and fully authorised and empowered, at any Time before the first Day of *May*, which will be in the Year of our Lord One Thousand Seven Hundred and Ninety, to order and cause to be raised within the said County, such Sum or Sums of Money as by them shall be found to be still due as aforesaid, with a reasonable Allowance for

And to cause the Amount due to them to be raised within the said County.

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Intereſt for the ſame, with the further Sum of Nine-pence in the Pound for collecting the ſame, to be raiſed and paid in the ſame Manner as the other incidental Charges of the ſaid County are raiſed and paid; provided the Sum ſo to be raiſed, ſhall not exceed in the whole the Sum of *Nine Hundred Pounds*.

Superviſors to call on Truſtees named in an Act for raiſing 1600*l.* in *Tryon* County, for building a Gaol for an Account of the Expenditures thereof.

II. *And be it further Enacted by the Authority aforeſaid*, That it ſhall and may be lawful to and for the ſaid Superviſors, or a Majority of them, and they are hereby authoriſed to call upon the Truſtees or Perſons, or any of them, named in the Act, entitled, *An* Act *to raiſe the Sum of* Sixteen Hundred Pounds *in the County of* Tryon, *to complete the Court-Houſe, and erect a Gaol at* Johnſtown, *in the ſaid County*, paſſed the 6th of *February*, 1773, for an Account of the Expenditure of the ſaid *Sixteen Hundred Pounds*, and the ſaid Truſtees or Perſons named in the ſaid Act, are hereby required and directed to Account with the ſaid Superviſors, or a Majority of them, for the Expenditure of the ſaid *Sixteen Hundred Pounds*.

Superviſors may examine any Perſon on Oath, whom they ſuppoſe know any Thing touching the Building ſaid Court-Houſe and Gaol, and the Diſpoſition of the ſaid 1600*l.*

III. *And be it further Enacted by the Authority aforeſaid*, That it ſhall and may be lawful to and for the ſaid Superviſors, or a Majority of them, and they are hereby authoriſed and required to call upon every Perſon and Perſons whom they may ſuppoſe to know any Thing touching the Building of the ſaid Court-Houſe and Gaol, and the Diſpoſition of the ſaid Sum of *Sixteen Hundred Pounds*, and on Oath to examine ſuch Perſon or Perſons concerning the Premiſes, of and concerning the Partnerſhip of the ſaid *James Bennet*, and *Zephaniah Batcheller*, ſo far only as it reſpects their being concerned in the Building of the ſaid Court-Houſe and Gaol.

Block-Houſe at *Platſborough*, in *Clinton* County, when compleated, to be conſidered as the Gaol of ſaid County.

IV. AND *whereas* the Inhabitants of the County of *Clinton* are diſpoſed to build a Block-houſe at *Platsborough*, in the ſaid County, to be uſed as a Gaol, until a Gaol can be erected for the ſaid County: Therefore, *Be it further Enacted by the Authority aforeſaid*, That the ſaid Block-houſe, when compleated, ſhall be deemed to be the Gaol of the ſaid County, until another ſufficient Gaol ſhall be erected in and for the ſame, and that until other ſufficient Proviſion can be made in the Premiſes, it ſhall alſo be lawful to and for the Sheriff of the ſaid County of *Clinton*, at his Diſcretion, to commit any of his Priſoners to the Gaol of the County of *Albany*, there to be detained, until they ſhall be thence legally diſcharged.

CHAP. XLVII.

An ACT *to confirm the Partition of the Lands therein mentioned, to* Samuel Brown, *and others.*

Paſſed 3d March, 1789.

Preamble,

Reciting that this State ceded certain Lands to the Commonwealth of the *Maſſachuſetts*.

WHEREAS this State, by their Commiſſioners for that Purpoſe authoriſed and appointed, on the ſixteenth Day of *December*, One Thouſand Seven Hundred and Eighty-ſix, did cede, grant, releaſe and confirm to the Commonwealth of *Maſſachuſetts*, and to the Uſe of the Commonwealth, their Grantees, and the Heirs and Aſſigns of ſuch Grantees forever, the Right of Pre-emption of the Soil from the Native Indians; and all other the Eſtate, Right, Title and Property (the Right and Title of Government Sovereignty and Juriſdiction excepted) which the State of *New-York* had, of, in or to Two Hundred and Thirty Thouſand and Four Hundred Acres, to be located by the Commonwealth of *Maſſachuſetts*, and to be ſituated to the Northward of, and adjoining to the Lands granted reſpectively to *Daniel Cox* and *Robert Lettice Hooper*, and their reſpective Aſſociates, and between the

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the Rivers *Owega* and *Chenango*. *And whereas* Samuel Brown, Elijah Brown, Owing Stoddard, Joſeph Raymond, Aſa Bement, Aſa Bement, junior, Elkanah Biſhop, Moſes Aſhley, Eliſha Blin, Ezekiel Crocker, Ira Seymour, Elizabeth Luſk, Silas Pepoon, Henry Williams Dwight, Benjamin Pierſon, Jeremiah H. Pierſon, Joſeph Pierſon, William Brown, Aſhbel Strong, Simon Larnard, Nathan Pierſon, Amos Patterſon, David Pixley, Jacob Parſons, Anna Bingham, Philip Cook, Aſhbel Cone, William Walker, Caleb Walker, Iſaac Jenks, Ebenezer Maſon, Joſiah G. Pierſon, Warſham Parks, Ebenezer Williams, John Brown, Nathaniel Biſhop, Iſaac Curtiſs, Allen Newhall, Azariah Eagelſton, Thaddeus Thompſon, Stephen Brown, Stephen Naſh, Jonathan Ingerſoll, Samuel Brown, jun. Bulah Brown, Dudley Coleman, Elnathan Curtis, John Chapman, Jonathan Edwards, Elihu Parſons, Eliphalet Parſons, Eliſha Bradley, Aſahel Bradley, Joſiah Bradley, Jonathan Woodbridge, Eraſtus Sergeant, Oliver Partridge, jun. Ebenezer Cook, Abner Rockwell and John Morell, have repreſented to this Legiſlature, that by a Grant of the ſaid Commonwealth, paſſed the Legiſlature thereof on the ſeventh Day of *November*, in the Year of our Lord One Thouſand Seven Hundred and Eighty-Seven, they have become the legal Owners of the ſaid Tract of Land in Fee Simple. *And whereas* it is further repreſented, that the ſaid Grantees abovenamed, and their legal Repreſentatives, have divided into Lots, Part of the ſaid Tract of Land, *to wit*—Two Townſhips, each nearly equal to ſix Miles Square, the one lying in the South-eaſt Corner of the ſaid Tract of Land bounded Eaſtward on the ſaid River *Chenango*, and Southward on the North Line of the ſaid Land granted to *Daniel Cox* and *Robert Lettice Hooper*, and their Aſſociates; the other bounded Southward on the ſaid Line, and Eaſtward on the ſaid deſcribed Townſhip; and have cauſed the ſaid Lots to be drawn to the Rights and Shares of the ſaid Grantees and their legal Repreſentatives reſpectively, and have produced Plans of the ſaid Townſhips, with the Names of the Grantees or their legal Repreſentatives, inſcribed on the Lots thereof, and have procured the ſame to be fairly and truly tranſcribed, and filed in the Office of the Secretary of the State; and the ſaid Grantees and their legal Repreſentatives, having manifeſted to the Legiſlature, their Deſire that they reſpectively might be by Law authoriſed to hold the ſaid Lots in Severalty, as the ſame are drawn: Therefore,

That *Samuel Brown* and others, by a Grant of the ſaid Commonwealth have become Owners of the ſaid Lands.

And have divided Part of the ſame into Lots, and filed a Plan thereof in the Secretary's Office.

And have prayed to hold ſaid Lots in Severalty as they are drawn.

Be it Enacted by the People of the State of New-York, *repreſented in Senate and Aſſembly, and it is hereby Enacted by the Authority of the ſame*, That the ſaid ſeveral Lots of Land, mentioned and expreſſed on the ſaid Plans, ſhall be holden in Severalty by the reſpective Grantees, or their legal Repreſentatives aforeſaid, whoſe Names are reſpectively inſcribed and expreſſed on the ſaid Lots, delineated on the ſaid Plans, their Heirs or Aſſigns in Severalty.

Said Lots ſhall be holden in Severalty by them.

CHAP. XLVIII.

An ACT *for erecting a Town by the Name of* Middletown, *and to alter the Bounds of the Townſhip of* Rocheſter *and* Woodſtock, *in the County of* Ulſter; *and for erecting a Town by the Name of* Eaſton; *to alter the Bounds of the Towns of* Schenectady, Half-Moon, *and* Ball's Town, *in the County of* Albany, *and for other Purpoſes therein mentioned.*

Paſſed 3d March, 1789.

Preamble.

WHEREAS it is found that the Towns of *Rocheſter* and *Woodſtock*, are too extenſive and inconvenient for the Inhabitants now reſiding in the Weſtern Parts of the ſaid Towns, and that the Erection of another Town is become neceſſary: Therefore,

I. *Be*

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Parts of *Rocheſter* and *Woodſtock* erected into another Town, by the Name of *Middletown*.

I. *Be it Enacted by the People of the State of* New-York, *repreſented in Senate and Aſſembly, and it is hereby Enacted by the Authority of the ſame,* That all thoſe Parts of the ſaid Towns of *Rocheſter* and *Woodſtock;* beginning on the Diviſion Line between the Counties of *Ulſter* and *Montgomery*, in the Middle of the *Delaware* River, oppoſite a Monument between the Lots Number Forty and Forty-one, of the original Diviſion of the *Great* or *Hardenberg* Patent, and running from thence Northeaſterly to the Eaſtern-Shore of the ſaid River; thence along a Line of marked Trees between the ſaid Lots Number Forty and Forty-one, to the *Papachton* River; thence acroſs the ſaid River to the North Bounds of great Lot Number Eight, of the ſaid *Great* or *Hardenberg*'s Patent; thence Northeaſterly along the North Bounds of the ſaid Lot Number Eight, to the Weſt Bounds of a Lot in the ſaid great Lot Number Eight, belonging to *Johanna Livingſton;* thence along the Weſterly Bounds thereof, Southweſterly to the South Bounds of the ſaid great Lot Number Eight; thence the ſame Courſe continued to the North Bounds of the Town of *Mamakating;* thence Northweſterly along the Bounds of the ſaid Town, to the Middle of *Delaware* River aforeſaid; and thence up the Middle of the ſaid River to the Place of Beginning, be, and hereby is erected into a Town by the Name of *Middletown*.

Part of *Hardenbergh*'s Patent annexed to the Town of *Hurley*.

II. *And be it further Enacted by the Authority aforeſaid,* That all that certain Tract of Land formerly comprehended within the Bounds of the *Great* or *Hardenberg*'s Patent, lately releaſed by *Margaret Livingſton*, Widow and Relict of *Robert R. Livingſton*, Eſquire, deceaſed, to the Inhabitants of *Hurley*, ſhall be, and the ſame is hereby annexed to the Town of *Hurley;* any Thing contained in the Act, entitled, ‡ *An* Act *for dividing the Counties of this State into Towns*, to the Contrary hereof in any wiſe notwithſtanding.

‡ 11*th Seſſ. Ch.* 64.

Parts of the Towns of *Stillwater* and *Saraghtoga*, to be erected into another Town, by the Name of *Eaſton*.

III. *And be it further Enacted by the Authority aforeſaid,* That all thoſe Parts of the Towns of *Stillwater* and *Saraghtoga*, in the County of *Albany*, lying to the Eaſtward of *Hudſon's-River*, ſhall, from and after the firſt Day of *April* next, be, and the ſame are hereby declared to be erected into a Town by the Name of *Eaſton;* and that the firſt Election of Town Officers for the Town of *Eaſton*, ſhall be held at the Houſe of *Jacob Benſon*.

Line of Diviſion between the Towns of *Schenectady*, *Half Moon*, and *Ballſtown*, altered and deſcribed.

IV. *And be it further Enacted by the Authority aforeſaid,* That the Line of Diviſion between the Towns of *Schenectady*, *Half-Moon* and *Ballſtown*, ſhall, from and after the firſt Day of *April* next, be a Line beginning at the South-weſt Corner of *Saraghtoga* Diſtrict, and running thence Weſt to the *Long-Lake;* thence along the ſaid Lake to the South End thereof; thence South, Fifty-three Degrees Weſt, One Hundred and Eighty Chains; thence North to the Northeaſtermoſt Corner of the fourth Allotment of the Tract of Land commonly called the *Kayaderoſſeras* Patent; thence along the South and Southweſtermoſt Bounds of the ſaid Allotment, to the Eaſt Bounds of the County of *Montgomery;* and that all that Part of the Towns of *Schenectady* and *Half-Moon*, lying to the Northward and Eaſtward of the ſaid Line, ſhall be annexed to and remain as part of the Town of *Ballſtown*.

Towns hereby erected, to have the ſame Officers and Privileges as other Towns.

V. *And be it further Enacted by the Authority aforeſaid,* That the ſaid Towns hereby erected, ſhall have the ſame Officers, to be elected on the Days of the general Election for Town-Officers, and ſhall enjoy the like Privileges, as the other Towns in this State are entitled to. That the firſt Election in the Town of *Middletown*, ſhall be held at the Houſe of *Benjamin Ackerly;* the firſt Election in the Town of *Saraghtoga*, ſhall be held at the Houſe of *Archibald M'Neal;* and the firſt Election in the Town of *Stillwater*, ſhall be held at the Houſe of *John Corbin*.

VI. And

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VI. And *whereas* the Freeholders and Inhabitants of the Town of *Marble-Town*, in the County of *Ulster*, by Virtue and in Pursuance of a certain Charter to them granted, have annually elected Trustees for the said Town on the second Tuesday of *June*, in every Year. *And whereas* the Freeholders and Inhabitants of the Town of *Rochester*, in the County of *Ulster*, by Virtue and in Pursuance of a certain Charter to them granted, have annually elected Trustees for the said Town, on the first Tuesday of *June* in every Year. *And whereas* the said Days of Election respectively, have been found inconvenient: Therefore, *Be it further Enacted by the Authority aforesaid*, That the Trustees of the said Towns respectively, shall respectively be elected on the Day of the general Elections for Town Officers, of the said Towns respectively; any Thing in the said Charters contained to the Contrary in any wise notwithstanding.

Trustees of *Marble-Town* and *Rochester*, to be chosen on the Day of Election of Town Officers.

VII. And *whereas* it has been represented to the Legislature, that it is necessary to make Provision for the Preservation of the Wood and Timber on the common Lands of the Township of *Schenectady;* Therefore, *Be it further Enacted by the Authority aforesaid*, That every Person who shall at any Time hereafter cut, or otherwise destroy or carry away, from and out of the common Lands of the said Town of *Schenectady*, any Tree growing thereon, of a less Size than six Inches diameter at the Stump, shall forfeit and pay the Sum of *Twenty Shillings* for every such Offence. That every Person who shall at any Time hereafter, in any of the said common Lands, cut down any Tree, with Intent to make Staves thereof, or shall cut down any Tree, and shall not carry away every Part of such Tree fit for Fuel, excepting White-Pine Trees, and such as may be applied to building and fencing, every Person so offending, shall, for every such Offence, forfeit and pay the Sum of *Ten Shillings*.

Persons cutting, destroying or carrying away any Tree under a certain Size, growing on the common Lands of *Schenectady*, liable to a Penalty.

Persons cutting down any Tree, and not carrying away every Part of it fit for Fuel, to forfeit 10*s*.

VIII. *And be it further Enacted by the Authority aforesaid*, That it shall and may be lawful to and for the Freeholders of the said Town of *Schenectady* for the Time being, yearly and every Year, at the annual Election for Town Officers in the said Town, by a Plurality of Votes, to elect four Freeholders, who shall be, and they are hereby authorised to sue and prosecute for the said Penalties respectively, in their own Names, before any Justice of the Peace of the County of *Albany*, with Costs; and when recovered, they shall pay one Half of the Sums so recovered, to the Overseers of the Poor of the said Town, for the Use of the Poor thereof, and pay the remaining Half to the Persons respectively, who shall inform of such Offences respectively.

And four Freeholders to be annually chosen in said Town, to sue and prosecute for such Penalties.

How the Penalties are to be applied.

IX. *And be it further Enacted by the Authority aforesaid*, That from and after the passing of this Act, it shall and may be lawful to and for the Freeholders and Inhabitants of the Town of *Brookhaven*, in the County of *Suffolk*, to elect Trustees on such Day as they are directed by Law to hold their annual Town-Meetings; and that all the Proceedings of the Trustees of the said Town of *Brookaven*, who have been chosen on the Day the said Town held their annual Town-Meetings, agreeable to any of the Laws of this State, shall be as good and effectual in the Law, as if the same had been made on the Day prescribed by the Letters Patent, granted to the said Freeholders and Inhabitants of the said Town of *Brookhaven*.

Freeholders of *Brookhaven*, to elect Trustees on the annual Day of Town-Meetings.

And all Proceedings of the Trustees who have heretofore been elected on that Day, confirmed.

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CHAP. XLIX.

An ACT *to give Relief reſpecting Debts due to Perſons formerly within the Enemies Lines.*

Paſſed the 3d March, 1789.

† *6th Seſſ. Ch.* 1.

Preamble.

WHEREAS by the Act, entitled, † *An* Act *relative to Debts due to Perſons within the Enemies Lines*, paſſed the 12th *July*, 1782, it is provided, that no Perſon or Perſons ſhall be allowed the Benefit of that Act, unleſs he, ſhe or they ſhall firſt have taken the Oath of Abjuration, and the Oath of Allegiance to this State, and ſhall obtain a Certificate ſigned by *twelve* reputable and well affected Freeholders of this State, one whereof ſhall be a Judge of the Inferior Court of Common Pleas of the County in which the Perſon named in ſuch Certificate, ſhall reſide, certifying that he or ſhe is well attached to the Freedom and Independence of the United States of *America*, and has taken an active and decided Part therein; but by Miſtake in printing the ſaid Act, or otherwiſe, the Word *two* has been ſubſtituted in the ſaid Proviſo inſtead of the Word *twelve*, whereby ſeveral Citizens of this State are become ſubject to the Payment of Debts which were ſuppoſed to have been extinguiſhed: Therefore,

Where Certificates have been accepted by certain Creditors, their Receipts to be deemed an Extinguiſhment of the Debt.

I. *Be it Enacted by the People of the State of* New-York, *repreſented in Senate and Aſſembly, and it is hereby Enacted by the Authority of the ſame*, That in every Caſe in which Certificates ſhall have been accepted by the Creditors deſcribed in either of the ſaid Acts, ſuch Receipts ſhall be deemed an Extinguiſhment of the Debts due to them reſpectively, to the Amount of the nominal Sum in Certificates received by them as aforeſaid.

‡ 8*th Seſſ. Ch.* 12.

In all Caſes where Proceedings have been proſecuted to Judgment of Preclu-ſion, againſt certain Creditors, and Certificates have not been received, Intereſt to ceaſe during a certain Time.

The Reſidue of the Money to be paid by Inſtallments.

II. *And be it further Enacted by the Authority aforeſaid*, That in all Caſes where Proceedings upon the ſaid Act, or the Act, entitled, ‡ *An* Act *to explain and amend the Act, entitled, An* Act *relative to Debts due to Perſons within the Enemies Lines*, paſſed the 24th of *November*, 1784, ſhall have been proſecuted to Judgment of Preclu-ſion, and in which ſuch Certificates as aforeſaid have not been received, the Debtor or Debtors ſhall be diſcharged from any Intereſt which became due on any Contract, Bill, Obligation or Mortgage, by which ſuch Debt or Debts was or were ſecured, between the firſt Day of *January*, 1776, and the firſt Day of *May*, 1786, and ſhall pay the Reſidue of the Money due on ſuch Contract, Bill, Obligation or Mortgage, in Manner following; *That is to ſay*, One third Part thereof, on or before the firſt Day of *May*, 1790, one other third Part thereof, on or before the firſt Day of *May*, 1791, and the remaining third Part thereof, on or before the firſt Day of *May*, 1792, ſubject to the Proviſoes and Conditions contained in the Act, entitled, ‖ *An* Act *to amend an Act, entitled, An* Act *relative to Debts due to Perſons within the Enemies Lines;* and another Act, entitled, *An* Act *to explain and amend the Act, entitled, An* Act *relative to Debts due to Perſons within the Enemies Lines. And provided alſo*, That the Security mentioned in the Proviſoes in the Act laſt aforeſaid, ſhall be given within eight Months after the paſſing of this Act; but if ſuch Security ſhall not be given within the Time laſt aforeſaid, then the Creditor or Creditors ſhall and may proſecute and recover his, her or their Debts, in like Manner, and in the Proportions herein before mentioned, as is preſcribed in and by the ſaid Act; the Intereſt during the Period aforeſaid, being nevertheleſs conſidered as extinguiſhed.

‖ 10*th Seſſ. Ch.* 94.

Security to be given.

But if Security is not given, how Creditor is to proceed for the Recovery of his Debt.

CHAP. L.

Private.

An ACT *for the Relief of* Benjamin Cloſe.

Paſſed 3d March, 1789.

CHAP.

CHAP. LI.

A. D. 1789.
Inde. *U. S.* XIII.

An ACT *to enable the Corporation of St.* Peter's *Church, in the City of* Albany, *to assume the Name therein mentioned.*

Passed 3d March, 1789.

Preamble.

WHEREAS by Charter under the Great Seal of the then Colony, now State of *New-York*, bearing Date the Twenty-fifth Day of *April*, in the Year of our Lord One Thousand Seven Hundred and Sixty-nine, the Congregation of St. *Peter*'s Church, in the City of *Albany*, were erected into a Corporation, by the Name and Style of, *The Rector and Inhabitants of the City of* Albany, *in the County of* Albany, *in Communion of the Church of* England, *as by Law established. And whereas* the Protestant Episcopal Church in this State, has now become independent of the established Church of *England*. *And whereas* the said Corporation, by their humble Petition to the Legislature of this State, have prayed, that they might be enabled to assume and use the Name of, *The Rector and Inhabitants of the City of* Albany, *in Communion of the Protestant Episcopal Church in the State of* New-York: Therefore,

Name of the Corporation of *St. Peter*'s Church, in *Albany*.

Be it Enacted by the People of the State of New-York, *represented in Senate and Assembly, and it is hereby Enacted by the Authority of the same,* That the said Corporation shall and may, from and immediately after the passing of this Act, take and use the Name of, *The Rector and Inhabitants of the City of* Albany, *in Communion of the Protestant Episcopal Church in the State of* New-York; and by the same Name shall be capable to sue and be sued, plead and be impleaded, answer and be answered unto, and defend and be defended; any Law, Usage or Custom to the Contrary thereof notwithstanding.

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	22,		38,	For, or without, read, *and* without.
	32,	8,	15,	For, Inspector, read, *Inspectors*.
	47,	5,	3,	For, Part, read, *Party*.
	47,	6,	2,	For, Indictment, read, *Indictments*.
	53,		8,	For, Tenure, read, *Tenor*.
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	459,	3,	7,	After Grantee, read, *or* Purchaser.
	469,	9,	6,	For, Brookaven, read, *Brookhaven*.
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